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Greek and Math Symbols

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BUNCOMBE COUNTY

CITY OF ASHEVILLE

CITY COUNCIL

ORDINANCES

MINUTES

DCR-DAH-ARS-RSB
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CITY OF ASHEVILLE

CITY COUNCIL

ORDINANCES

MINUTES

VOLUME: 28

(OCTOBER 23, 2012 – FEBRUARY 25, 2014)

(PAGES: INDEX - 482)

(ORDINANCES No: O-2012-4124 – O-2014-4286)

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NATURAL AND CULTURAL RESOURCES

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ORDINANCE NO. 4124

ORDINANCE AMENDING FRANCHISE AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND EDUCATIONAL RESEARCH CONSORTIUM OF THE WESTERN CAROLINAS, LLC.

Whereas, the City has the authority, pursuant to NCGS 160A-76 to grant and amend franchises; and

WHEREAS, the City of Asheville and the Educational Research Consortium of the Western Carolinas, LLC. (ERC) have a franchise agreement approved by Ordinance Number 3127 dated June 15, 2004, whereby ERC provides fiber optic service within the City of Asheville, including certain City facilities; and

WHEREAS, an amendment to the original franchise agreement is needed to provide for an enhanced fiber optic network for the City of Asheville; and

WHEREAS, this amendment will provide greater capacity and redundancy for public safety stations as well as other city facilities, and is in the public interest;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The franchise agreement between the City of Asheville and ERC (Ordinance No. 3127) be amended per Exhibit A attached.

Read, approved and adopted on first reading this 9th day of October, 2012, and on its second and final reading on this 23rd day of October, 2012.

Magdalen Burleson
CITY CLERK

MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

2

AMENDMENTS TO ERC AGREEMENT

Amend August 24, 2004, Agreement as follows:

1. By adding a new paragraph to Section. 4.5 to read:

g. The parties hereto acknowledge that the INE has been installed as contemplated in the preceding Sections a-f, and is fully operational. Any claims for recovery of costs or payments between the parties related to all previous installation of the INE have been resolved, and are hereby waived by the parties. Any continuing obligations for maintenance or service related to the INE shall continue in effect.

2. By adding a new paragraph to Section 4.5 to read:

h. City Fiber.

(i) For all other fiber installations within the City, ERC shall install not fewer than 12 fibers, or the equivalent functional capacity in lieu of fiber, or the exclusive use by the City. The cost to the City for this installation shall be the same rate charged to ERC pursuant to Paragraph 4, above. Such fiber shall herein be referred to as "City Fiber." City Fiber is intended for the sole and exclusive use by the City, and it may not be sold, resold, or leased to any third party. The City shall be solely responsible for purchasing all necessary equipment for data transmission and other use of the City Fiber. If ERC desires to pay the City a fee in lieu of providing City Fiber, the consent of the City will be required. The fee for any fiber run that

does not include "City Fiber" as provided in this paragraph shall be the fee specified in paragraph 4 in the August 24, 2004, Agreement. The City may exchange "City Fiber" installed in one location for an equivalent amount of fiber (installed or to be installed) in another location within Buncombe County or up to a 10 mile radius outside of the City limits, with the consent of ERC, which consent shall not be unreasonably withheld.

Notwithstanding any other provision of this Agreement, the provisions of this section shall not apply to ERC Fiber installations on or over private property whose sole purpose is to connect a ERC customer or potential customer to the ERC Fiber Network. Additionally, the ERC fiber funded through the American Reinvestment and Recovery Act of 2009 via the National Telecommunications and Information Agency and the Broadband Technology Opportunities Program (the "BTOP Fiber") is subject to all obligations related to the BTOP program and grant. The BTOP Fiber has certain restrictions placed on it that must be adhered to and that may fall outside the scope of this agreement.

(ii) ERC shall be responsible for the maintenance and servicing of City Fiber, but not for any equipment used by the City for transmission over or use of said fibers.

(iii) In lieu of part or all of a required City Fiber installation, the City may, by separate agreement with ERC, accept fiber already

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installed in another location. In such case, ERC shall have the option of providing the equivalent functional capacity in lieu of fibers. The value of said fiber or equivalent functional capacity will be the same as outlined in section 2.h(i). In addition to or instead of the "in-kind" exchanges provided for herein, at the City's option, the City and ERC may negotiate or adjust the fee to be paid for said installation.

(iv) The City's right to use the City Fiber shall be indefeasible and shall survive the transfer or assignment of this Agreement. In the event that ERC ceases operations without transferring or assigning this Agreement, ERC shall transfer the ownership of the City Fiber to the City. In the event this Agreement is terminated by operation of law, or the authority to administer it in the public interest is transferred to a governmental agency other than other than the City, the parties shall take appropriate action, to the extent permitted by law, to ensure that the City shall have the right, but not the obligation, to use the City Fiber at the same rates set out in Section 4 above.

(v) ERC may use a contractor of its choice to perform the installation work pursuant to this paragraph 4.5. The ERC shall allow the City to connect any non-ERC installed fiber owned or operated by the City to the INE as installed by the ERC. In all such cases the City shall contract with the ERC to provide such connections and shall

pay to the ERC its actual cost of installation (labor and material), on a reimbursement basis, plus an administrative fee of 10% of said actual cost.

(vi) ERC's obligations pursuant to this paragraph 4.5, to provide the City with fiber or functional capacity, or to make the same available for the City's use, shall apply to all ERC installations within the corporate limits of the City, regardless of whether said installation is on private property, public property, or public right of way. Fees charged to the ERC by the City, however, shall only be for installation on City property or the right -of- way of any public street or alley that is not part of the State highway system.

(vii) The ERC and City may enter into "joint build agreement" for certain locations where the City may own and maintain the conduit, junction boxes and related facilities, and the ERC owns and maintains all other outside plant infrastructure (fiber optic cable and related infrastructure). The ERC may place cable within these City owned facilities, and, where it does, will own said cable so long as it provides the same fiber or capacity to the City as outlined in paragraph 2.h(i). Nothing herein shall prohibit the City from installing its own fiber into conduits that the City owns.

5-A

Next ordinance is

4128

Ords 4125
4126
4127

> in Ordinance Book 27 starting at pg 471

ORDINANCE NO. 4128

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 23rd day of October 2012.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: To appropriate funds from Transit Capital Reserves to purchase two 35-foot diesel buses.

Magdalen Burleson
City Clerk

7.

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2012-13

3. Amendment to Operating _x___ and/or Capital Project ____ appropriation.

Transit | 10/23/2012
4. Requesting Department | 5. Today's Date | 6. Department Head Signature

7. Comments/Purpose: to budget funding for Gastonia bus purchase

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
6500 Fund:				
Revenue:				
Transfer from Transit Capital				
65090951 498638	$0.00		$44,074.00	$44,074.00
Expenditures:				
Mach & Equip				
65000951 614101	$0.00		$44,074.00	$44,074.00
6510 Fund:				
Expenditures:				
Transfer to General Capital				
65190950 800410 T1099	$107,040.00		$62,966.00	($44,074.00)
Transfer to Transit Op.				
65190950 800650 T1099	$0.00		$44,074.00	$44,074.00

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:
16. Ordinance Number:
17. Date Received in Budget & Research:
18. Date Sent to City Clerk:

19. Date Posted:
By:
Sheet #:

Must be received by Budget & Research 14 days prior to the City Council Meeting.

ORDINANCE NO. 4129

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 23rd day of October, 2012.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: To appropriate funds to purchase real property.

Magdalen Bowleson
City Clerk

9

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2012-13

3. Amendment to Operating _x___ and/or Capital Project ____ appropriation.

Transportation/Finance | 10/23/2012
4. Requesting Department | 5. Today's Date | 6. Department Head Signature

7. Comments/Purpose: to budget funding for real property acquisition

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
App. Fund Balance				
62000220 499100	$0.00		$825,000.00	$825,000.00
Expenditures:				
Land				
62000221 611101	$0.00		$825,000.00	$825,000.00

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:
16. Ordinance Number:
17. Date Received in Budget & Research:
18. Date Sent to City Clerk:

19. Date Posted:
By:
Sheet #:

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4130

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 671 SAND HILL ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows: (a) Meets a number of Council objectives and goals established in the comprehensive plan; (b) Adds a neighborhood-compatible school use to a site with sufficient infrastructure to manage impacts; and (c) More fully utilizes an existing church structure;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9627.59-0175 (addressed 671 Sand Hill Road) from RM-6 (Residential Multi-Family Low Density) district to Institutional-CZ district. A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B", attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. This ordinance shall be enforced as provided in Article XVIII of Chapter 7, and Sec. 1-5 of the Asheville City Code.

Section 5. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 6. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 23rd day of October, 2012.

Magdalen Burleson
City Clerk

Mayor

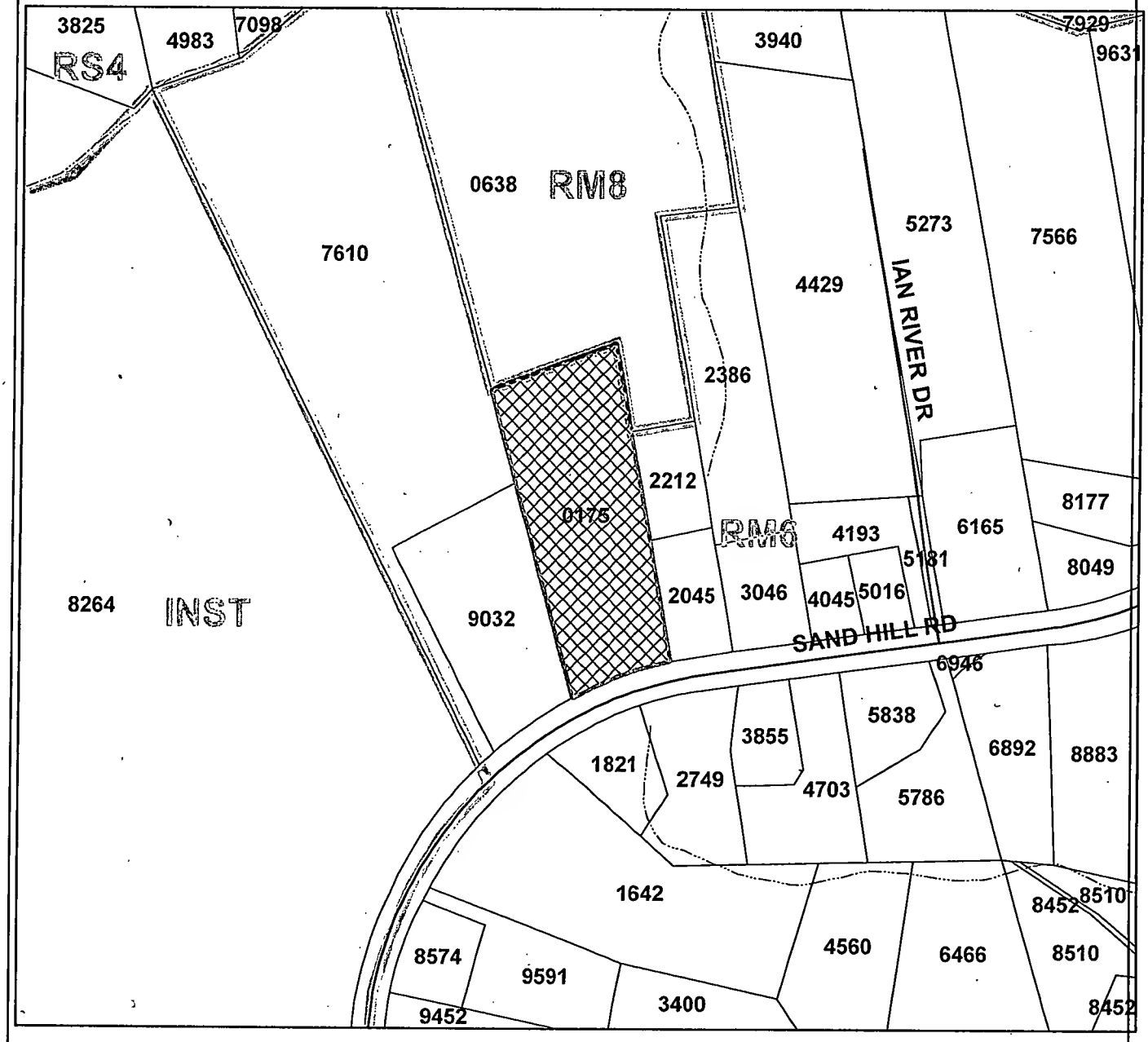
Approved as to form:

City Attorney

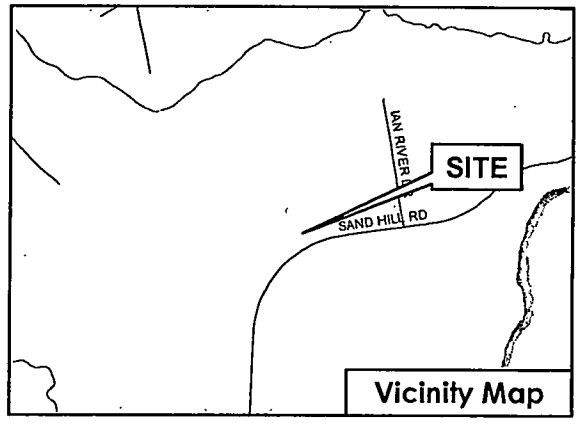
Magdalen Burleson
City Clerk

11

City of Asheville - Exhibit A Map
Conditional Zoning to Institutional District



Project Name:	New Classical Academy
Project Number:	P&Z 12-51-006
Project Description:	Conditional Zoning Request
Petitioner(s):	Clay Mooney, Agent
Parcel ID Number(s):	9627-59-0175
Location/Address:	671 Sand Hill Road



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Development Department - 9/10/12

EXHIBIT B
CONDITIONS

1. The Project shall comply with all conditions outlined in the TRC staff report, which is incorporated herein by reference.

2. All site lighting must comply with the City's Lighting Ordinance and be equipped with full cut-off fixtures (including wall packs) and directed away from adjoining properties and streets. A detailed lighting plan will be required upon submittal of detailed plans to be reviewed by the Technical Review Committee.

3. Any changes to the existing building size or orientation be reviewed for compatibility with the approved plans.

4. This Project will undergo final review by the TRC prior to issuance of any required permits.

5. If the school grows beyond 60 students the school administrator will submit a traffic management plan for analysis by the appropriate City departments.

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ORDINANCE NO. 4131

ORDINANCE GRANTING FRANCHISE TO OPERATE A PEDAL BICYCLE TAXI SERVICE WITHIN THE CITY OF ASHEVILLE

WHEREAS, the City of Asheville (herein "City") has the authority pursuant to G.S. 160A-296 to control the use of streets and sidewalks within the city; and

WHEREAS, the City of Asheville has the authority pursuant to G.S. 160A-76 to grant franchises; and

WHEREAS, Asheville Bike Taxi, LLC, a North Carolina Limited Liability Company (herein "ABT"), proposes to operate a pedal bicycle taxi service on the streets of the City; and

WHEREAS, the City has determined that it is in the public interest to permit the operation of said service on the City's streets, subject to certain terms and conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Asheville Bike Taxi, LLC is hereby granted a franchise to operate a Pedal Bicycle Taxi Service (herein "Pedicab Service") on the streets of the City of Asheville subject to the following terms and conditions:

1. Route: The Pedicab Service is allowed only in the following areas: Central Business District, River Arts District, and Historic Montford District and along SR 3548 (Clingman Avenue) from Clingman Avenue Extension to Hilliard Avenue as shown on the map attached hereto as Exhibit A. In addition, the Pedicab Service is prohibited from operating on public streets where the speed limit is thirty-five (35) miles per hour or higher. The one exception is the section of SR 3548 (Clingman Avenue) that provides access to the River Arts District. This section of street has a bicycle climbing lane and the pedal bicycle taxis are required to use it. The operation of the Pedicab Service shall be designed so as to minimize traffic impacts upon the general circulation of vehicular and pedestrian traffic of the City. The Pedicab Service shall not load or unload passengers directly from Patton Avenue, College Street, Broadway or Biltmore Avenue unless there is an open parking space into which the pedicab can safely enter in order to prevent blocking the flow of traffic.

2. Stops: Pedicab Service stops may not exceed three minutes on any public right-of-way, except as necessary to embark and debark passengers, or with the written permission of the City Traffic Engineer. All service stops shall be made in a way to minimize any possible disruption to the flow of vehicular traffic.

3. Operating times/frequency: For all operations, the hours of operation shall be limited to between 9:00 a.m. to 3:00 a.m., Monday thru Friday, and between 7:00 a.m. and 3:00 a.m., Saturday and Sunday. City reserves the right to change these hours at its sole discretion, provided that ABT is given a 30 day notice of such change. The Pedicabs are prohibited from operating in any City approved festival or event area where the roadways are blocked including, but not limited to, the Bele Chere festival except with written permission from the event organizer.

4. Terms of Franchise/Renewal: The term of this Franchise shall be for one year beginning on the 15th day of November, 2012 and ending on the last calendar day of November 2013. Applicant may apply for renewal of the Franchise any time after April 2013.

5. Insurance: ABT shall maintain Commercial General Liability insurance, including coverage for contractual liability, liability from independent contractors, property damage liability, bodily injury liability, and personal injury liability with limits of not less than $1,000,000 per occurrence, and $1,000,000 annual aggregate. The coverage shall be written on an occurrence basis. At all times during the term of this Franchise, ABT shall maintain statutory Workers' Compensation insurance in accordance with the laws of North Carolina. ABT shall also maintain Employers' Liability insurance with limits of not less than $500,000 per accident and $100,000 each employee for injury by disease. ABT shall submit copies of all said policies and a certificate of insurance naming the City as an additional insured for the approval of the City's Risk Manager. Approval from the City's Risk Manager shall be obtained prior to beginning any operation in the City of Asheville.

   ABT shall submit copies of said insurance policy and a certificate of insurance for approval to the City's Risk Manager prior to starting operations in the City of Asheville.

6. Indemnity: By commencing operation under this Franchise, ABT agrees to indemnify and hold harmless the City against any liability for personal injury, property damage or other damage or injury arising from or in connection with any of ABT's operations, including operation of the pedicab service under this Franchise, and its insurance policy shall name the City as an additional insured to this effect.

7. Pedicab Equipment/Condition of Vehicles: ABT may determine whatever pedicab model(s) it sees fit to use, provided that all pedicabs shall be of single frame construction, have operable brakes on the front and back wheels, have seat belts for passengers, and be designated as a slow moving vehicle with reflective sign on the back. ABT may also install an electric assist motor for each pedicab which can be no greater than 750 watts and not greater than one horse power. ABT is responsible for ensuring that all pedicab equipment is maintained in a safe and operable condition in accordance with applicable laws. The City reserves the right to have the pedicabs inspected by the City's taxi inspector; appointed pursuant to city Code Sec. 18-9, and to restrict operation of any pedicabs that fail inspection.

8. Standards for Drivers/Conductors: ABT shall certify in writing to the City that each driver has a valid North Carolina driver's license, is medically fit to operate the pedicab and has submitted a complete criminal background check. ABT shall keep these records on file and will supply this information to the City upon request. Drivers with convictions for crimes of moral turpitude, driving while impaired, controlled substance offenses and sex offenders are prohibited from operating a pedicab with tin the City limits.

9. Non-transferability/Amendment: This Franchise shall constitute a certificate of public convenience and necessity for the operation of the Pedicab Service. This Franchise is not transferable, except to another entity owned by ABT with written agreement from the City, and may not be amended except as provided in G.S. 160A-76 and G.S. 160A-304(b). This Franchise is not exclusive.

10. Revocation/Termination: The City may revoke this Franchise at any time for failure by ABT to comply with any of the provisions hereof; provided, that ABT shall receive 10 day's notice of said revocation during which time this franchise may only be suspended.

    The City may revoke this Franchise for any reason upon 30 days notice to ABT. ABT shall be entitled to no compensation or payment as a result of the revocation of this franchise for any reason.

    ABT may cease operations under this Franchise upon 30 days notice to the City.

11. Notice: Any notices required or permitted pursuant to this franchise shall be first class mail or personal delivery to the parties as follows:

If to Asheville Bike Taxi, LLC:	If to City:
Jessica Lehmann 278 Hillside St., Apt. 2 Asheville, NC 28801	City Attorney 70 Court Plaza Asheville, NC 28801

Compliance with the formalities of this section may be waived.

ABT shall at all times maintain an office or business location in the City of Asheville, and shall pay all City privilege license fees, and other taxes and fees associated with operation. ABT shall designate an individual to be its agent for service of process in accordance with North Carolina law, and shall keep the City advised of any changes in said agent or its address.

12. Franchise Fee: The fee for the operation of this Franchise shall be $1.00 per day for each day of the term of the Franchise, payable in a lump sum on or before the expiration or termination date.

13. Fares: The fees charged by ABT for pedicab service shall be prominently displayed on the outside of the pedicab vehicle.

14. Temporary Suspension/Modification: This Franchise and any of the terms and conditions thereof, including those relating to route, stops, and scheduling are subject to temporary suspension or modification by the City as necessary for the City to exercise and maintain control over its streets and public ways. The reasons for such action may include (by way of example and not limitation), the following: (a) closing of streets for repairs; (b) closing of streets for parades and festivals; (c) change in direction of one way streets; (d) changes in parking configuration. Any such action shall be within the City's sole discretion without recourse by ABT. The City will endeavor to provide advance notice of such action, but shall not be bound to do so. Suspension or modification expected to be of more than 30 days duration will require amendment to this Ordinance.

15. Compliance with Laws: ABT shall comply with all applicable federal, state, and local laws in the operation of its business.

Section 2. All ordinances and clauses of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it

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would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted on first reading this 23rd day of October, 2012, and on the second and final reading on the 13th day of November, 2012.

Magdalen Burleson
City Clerk

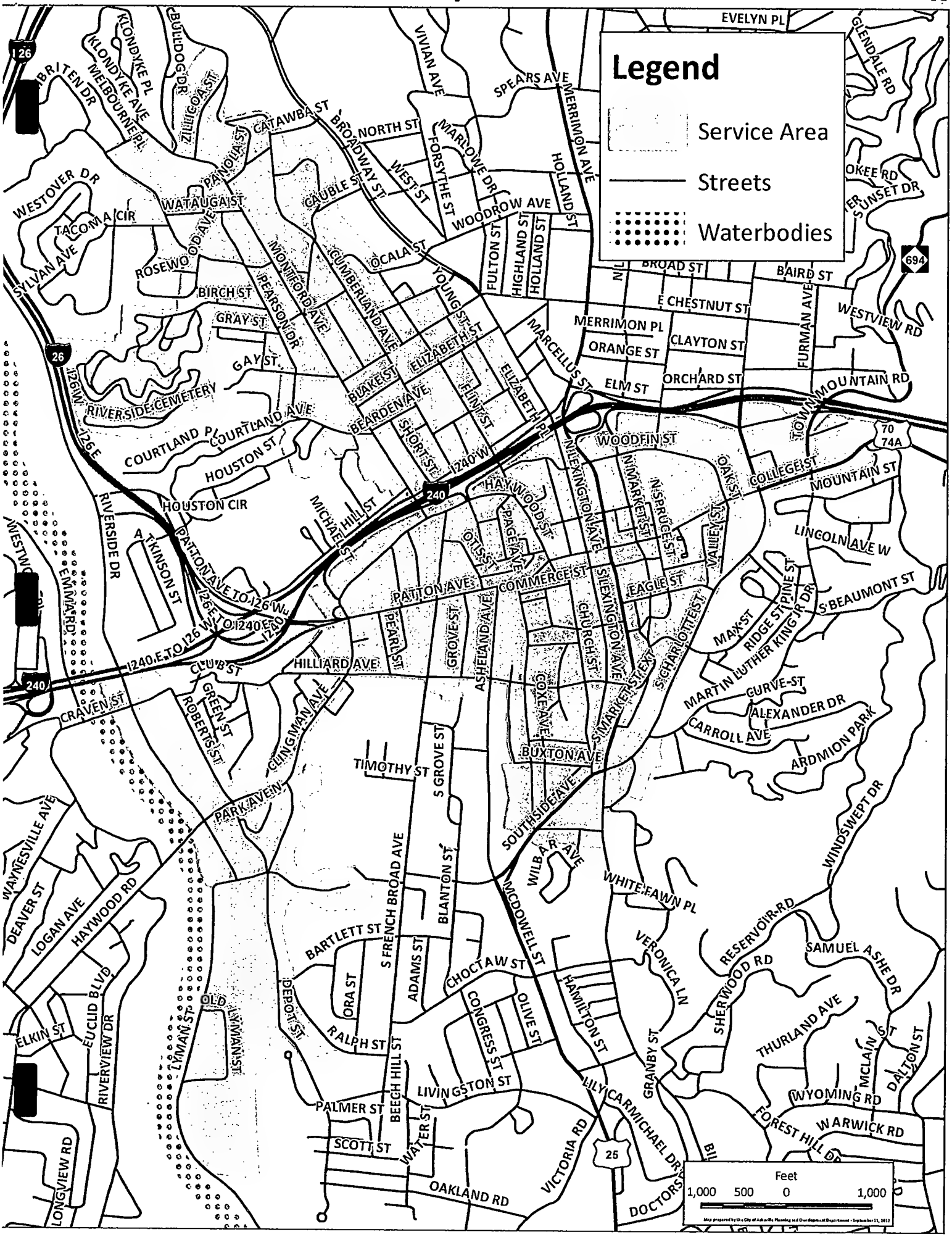
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

Pedicab Service - Exhibit A Map



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ORDINANCE NO. 4132

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 23rd day of October, 2012.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Funding for loan disbursement

Magdalen Burleson
City Clerk

City of Asheville
Budget
Amendment

1. Effective Date:

2. Fiscal Year: 2012-13

3. Amendment to Operating _x___ and/or Capital Project ____ appropriation.

Planning		10/23/2012	
4. Requesting Department		**5. Today's Date**	**6. Department Head Signature**

7. Comments/Purpose: to budget funding for loan disbursement

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Appr. Fund Balance				
23004100 499100	$0.00	$0.00	$300,000.00	$300,000.00
Expenditure:				
Awarded Loans				
23004100 527200	$120,000.00	$0.00	$420,000.00	$300,000.00
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		**19. Date Posted:**	
16. Ordinance Number:		**By:**	
17. Date Received in Budget & Research:		**Sheet #:**	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

21

ORDINANCE NO. 4133

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 13th day of November, 2012.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

PURPOSE: This Budget Amendment reflects a change order with Hersey Meters Company, LLC (DBA Mueller Systems) in the amount of $600,000.00 to increase the general services contract for the Water Resources Automated Meter Reading (AMR) Project from $4,234,859.86 to 4,834,859.86.

Magdalen Burleson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date: 11/4/2012
2. Fiscal Year: 2012-13

3. Amendment to Operating __ and/or Capital Project _X_ appropriation.

4. Requesting Department	5. Today's Date	6. Department Head Signature
Water Resources	11/4/2012	

7. Comments/Purpose: Increase Mach/Equip line item in the AMR Project for the change order to increase Hersey Meters contract.

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Automated Meter Reading Proj				
Tr Wtr Op 07/08				
61100911 - 498612 - W0817	$0.00	$0.00	$600,000.00	$600,000
Mach Equip				
61100911 - 614101 - W0817	$7,324,837.00	$23,739.61	$7,924,837.00	$600,000
General Projects				
Tr Wtr Op 07/08				
61100911 - 498612 - W0001	$1,965,392.59	$1,965,392.59	$1,365,392.59	($600,000)

13. Balance of Transaction: $600,000.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

23

ORDINANCE NO. 4134

ORDINANCE AMENDING ORDINANCE NO. 4057, "REGULATING CERTAIN USES OF CITY PROPERTY"

WHEREAS, on February 14, 2012, the Asheville City Council adopted Ordinance No. 4057, regulating certain uses of City property"; and

WHEREAS, the City Council finds that said ordinance is in need of clarification and that such clarification is in the public interest;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Section 12-51(b) of the Asheville City Code is revised to read:

"(b) this ordnance shall not be enforced as to facilities designated for use for temporary housing or other accommodations in an emergency, as declared by the City or other governmental agency or official authorized by law to make such declaration."

Section 2. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 4. Violation of this section shall be a misdemeanor and shall be punishable as provided in N.C.G.S. 14-4, and as provided in Sec. 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read approved and adopted on the 13th day of November, 2012.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

ORDINANCE NO. 4135

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 13th day of November, 2012.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: A $650 one-time employee bonus in the General Fund

Magdalen Burleson
City Clerk

25

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2012-13

3. Amendment to Operating _x___ and/or Capital Project ____ appropriation.

Finance — 4. Requesting Department
11/13/2012 — 5. Today's Date
6. Department Head Signature

7. Comments/Purpose: to budget $650 employee bonus in general fund

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
App. Fund Balance				
11000010 499100	$0.00	$0.00	$650,000.00	$650,000.00
Expenditures:				
Various Salary & Benefits				
1100xxxx 51xxxx	$58,451,283.00	$39,646,067.29	$59,101,283.00	$650,000.00
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:
16. Ordinance Number:
17. Date Received in Budget & Research:
18. Date Sent to City Clerk:

19. Date Posted:
By:
Sheet #:

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4136

ORDINANCE AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE PERTAINING TO NOISE REGULATION

WHEREAS, THE City of Asheville has the authority pursuant to N.C.G.S. 160A-184 to regulate noise within the City; and

WHEREAS, following investigation and review, the City Council determines that it is in the public interest to amend City Code Chapter 10 regulating noise;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Article IV of Chapter 10 of the Code of Ordinances of the City of Asheville be amended as follows:

(a) Section 10-82 adds the following new definitions:

Daytime hours: 7:00 a.m. to 11:00 p.m., local time.

Nighttime hours: 11:00 p.m. to 7:00 a.m., local time.

Residential Areas: Any area in the City that is zoned the following: RS-2 Residential Single-Family Low-Density District, RS-4 Residential Single-Family Medium Density District, RS-8 Residential Single-Family High Density District, RM-6 Residential Multi-Family Low Density District, RM-8 Residential Multi-Family Medium Density District, RM-16 Residential Multi-Family High Density District

(b) Section 10-82, the definition of *Noise Disturbance* is revised to read as follows:

Noise Disturbance: means any unreasonably loud and raucous sound or noise which:

(1) Endangers or injures the health or safety of humans or animals;

(2) Endangers or injures personal or real property; or

(3) Disturbs a reasonable person of normal sensitivity.

To determine whether a noise or sound constitutes a noise disturbance, the following factors incident to such noise are to be considered: whether the noise occurred during daytime or nighttime hours, proximity to residential areas, whether the noise is recurrent, intermittent or constant; the volume and intensity; whether the noise has been enhanced in volume or range by any type of mechanical means; and the nature and zoning of the area.

(c) Section 10-84 is revised to add the following subsections:

(17) Yelling, shouting.

(18) Parties.

(19) The sounding of a security alarm for more than twenty (20) minutes after the

owner or responsible party has been notified by law enforcement personnel.

(d) Section 10-85(14) is revised to read as follows:

(14) Commercial refuse collection vehicles operating between the hours of 6:00 a.m. and 9:00 p.m.

(e) Section 10-86(e)(1) is revised to read as follows:

(e) *Procedure; appeal.*

(1) *Filing; hearing.* Appeals or complaints pursuant to paragraphs (c) and (d) above may be delivered to the city manager or an office or official designated by the city manager. Hearing of a complaint shall occur within 15 days of receipt thereof. If Appellant or at least two of the Complainants who filed the complaint fail to attend the hearing, the appeal or complaint shall be dismissed. Board decisions shall be issued and served within ten days of the hearing. The times for conducting hearings and issuing decisions may be extended by order of the board.

Section 2. This ordinance is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation or other provision of law.

Section 3. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. All ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. The provisions of this ordinance shall be in full force and effect upon adoption.

Read, approved and adopted this the 13 day of November, 2012.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

ORDINANCE NO. 4137

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 27th day of November, 2012

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: US Dept. Of Justice,
Byrne JAG 2012 – Local Solicitation

Magdalen Burleson
City Clerk

29

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2012-13

3. Amendment to Operating ___ and/or Capital Project _X_ appropriation.

4. Requesting Department | **5. Today's Date** | **6. Department Head Signature**

7. Comments/Purpose: To establish budget to receive and spend JAG 2012 Grant.
Award 2012-DJ-BX-1032

8. Organization #	Object Code	Project #	9. Beginning Budget	10. Account Summary Bal	11. New Budget	12. Increase or Decrease By
22000122	435000	P1201	0.00	$0.00	$56,927.00	$56,927.00
Restricted Intergov Revenue - Federal Grant						
22000122	524003	P1201	0.00	$0.00	$41,582.00	$41,582.00
Supplies - Safety Equipment						
22000122	527101	P1201	0.00	$0.00	$15,345.00	$15,345.00
Pass through awarded grants						
					$0.00	
					$0.00	
					$0.00	
					$0.00	
					$0.00	
					$0.00	
					$0.00	
					$0.00	
					$0.00	
					$0.00	
					$0.00	
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					$0.00	
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					$0.00	
					$0.00	
					$0.00	
					$0.00	
					$0.00	
					$0.00	
					$0.00	
					$0.00	

13. Balance of Transaction: $0.00

ORDINANCE NO. 4138

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 27th day of November, 2012

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: NC Office of Justice Programs via the US Dept. of Justice: Ballistic Vest Partnership (BVP) Grant 2012

Magdalen Bowlson
City Clerk

31

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2012-13

3. Amendment to Operating ___ and/or Capital Project _X_ appropriation.

4. Requesting Department | 5. Today's Date | 6. Department Head Signature

7. Comments/Purpose: To establish budget for Bulletproof Vest Grant revenue and local match

8. Organization #	Object Code	Project #	9. Beginning Budget	10. Account Summary Bal	11. New Budget	12. Increase or Decrease By
ESTABLISH PROJECT BUDGET:						
22000122	435000	P1207	0.00	$0.00	$7,735.00	$7,735.00
Restricted Intergov Revenue - Federal Grant						
22090122	498100	P1207	0.00	$0.00	$7,735.00	$7,735.00
Transfer from General Fund						
22000122	524003	P1207	0.00	$0.00	$15,470.00	$15,470.00
Supplies - Safety Equipment						
					$0.00	
REVISE GENERAL FUND BUDGET FOR LOCAL MATCH TRANSFER TO PROJECT :						
11000122	800220		0.00	$0.00	$7,735.00	$7,735.00
11000122	524003		0.00	$0.00	($7,735.00)	($7,735.00)
					$0.00	
					$0.00	
					$0.00

ORDINANCE NO. 4139

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 27th day of November, 2012.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: This Budget Amendment is (1) to increase the budget for Senior Opportunity Center by $3,917; and (2) to increase the budget for the Harvest House by $3,917, to make improvements and replace equipment as a result of an allocation from the Senior Center General Purpose Funding from the North Carolina Department of Health and Human Services, Division on Aging and the Land of Sky Regional Council/Area Agency on Aging.

Magdalen Bourleson
City Clerk

33

City of Asheville
Budget Amendment

1. Effective Date: 11/27/2012
2. Fiscal Year: 2012-13

3. Amendment to Operating __X__ and/or Capital Project ____ appropriation.

Parks, Recreation & Cultural Art | 11/6/2012
4. Requesting Department | **5. Today's Date** | **6. Department Head Signature**

7. Comments/Purpose: Establish budgets due to an appropriation from the State of North Carolina, Department of Health and Human Services, Division on Aging and the Land of Sky Regional Council / Area Agency on Aging, through the Senior Center General Purpose Funding for FY 12-13, for the Senior Opportunity Center and the Harvest House.

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
REVENUE *(Senior Opportunity 2013)*				
Senior General Purpose Funding				
11008324-436000	0.00	$0.00	$3,917.00	$3,917.00
EXPENDITURE *(Senior Opportunity 2013)*				
Contracted Services				
11008324-521001	0.00	$0.00	$2,450.00	$2,450.00
Supplies - Other				
11008324-524001	0.00	$0.00	$1,467.00	$1,467.00
REVENUE *(Harvest House 2013)*				
Senior General Purpose Funding				
11008323-436000	0.00	$0.00	$3,917.00	$3,917.00
EXPENDITURE *(Harvest House 2013)*				
Contracted Services				
11008323-521001	0.00	$0.00	$3,000.00	$3,000.00
Supplies - Other				
11008323-524001	0.00	$0.00	$917.00	$917.00

13. Balance of Transaction:

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:
16. Ordinance Number:
17. Date Received in Budget & Research:
18. Date Sent to City Clerk:

19. Date Posted:
By:
Sheet #:

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4140

ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, NORTH CAROLINA, BY ANNEXING A CONTIGUOUS AREA IN THE FALCON RIDGE AT HAW CREEK SUBDIVISION

WHEREAS, the Asheville City Council has been petitioned under N.C. Gen. Stat. Sec. 160A-31, to annex the area described herein; and

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held in the Council Chamber of the City Building at 5:00 p.m. on the 27th of November, 2012 after due notice by publication on the 16th day of November 2012; and

WHEREAS, the Asheville City Council does hereby find as fact that the petition meets the requirements of N.C. Gen. Stat. Sec. 160A-31 and that said petition was not submitted pursuant to subsection (b1) or (j) of said statute;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, THAT:

Section 1. By virtue of the authority granted by N.C. Gen. Stat. Sec. 160A-31, the following described territory is hereby annexed and made part of the City of Asheville, as of the 27th day of November 2012. The property is more particularly described as follows:

Beginning at a 1" Iron Pipe Found (Bent) located on the western line of the property now or formerly owned by Joreka & Dale Bradley (recorded in Deed Book 1829 Page 221) and further being located on the jurisdictional line between Buncombe County and the City of Asheville; running thence from said point of beginning North 05-31'-25" East 1009.45' to a 1" Iron Pipe Found marking the terminus of the first call of Deed Book 1671 Page 113; thence South 83-29'-49" East passing a #5 Rebar Found with "Day" Id Cap at a distance of 258.83' for a total distance of 713.60' to a 3" Plastic Hub Found (formerly a Locust Hub) marking the terminus of the third call of Deed Book 1671 Page 113 and also marking the Northwestern Corner of Lot 3 of Plat Book 65 Page 185; thence South 08-37'-13" East 185.14' to a #4 Rebar Found with "Nanney" Id Cap; thence South 54-13'07" East 167.66' to a #4 Rebar Found with "Nanney" Id Cap; thence South 56-18'-00" East 139.40' to a #4 Rebar Found with "Nanney" Id Cap; thence South 20-33'-17" West 110.89' to a #5 Rebar with "McAbee" Id Cap Set; thence South 77-05'-09" East 190.09' to a #4 Rebar Found marking the terminus of the third call of Deed Book 1596 Page 522, Tract 2; thence South 20-25'-50" West passing a #2 Rebar Found at a distance of 25.01' and passing a 0.75" Iron Pipe Found marking the terminus of the seventh call of Deed Book 4071 Page 1395 and the terminus of the second call of Deed Book 1398 Page 296 at a distance of 242.14' for a total distance of 546.85' to a 1" Iron Pipe marking the terminus of the first call of Deed Book 1396 Page 296 and also being located on the jurisdictional line between Buncombe County and the City of Asheville; thence with the said jurisdictional line North 84-53'-00" West 1045.55' to the Point and Place of Beginning.

Section 2. From and after the 27th day of November 2012, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Asheville and shall be entitled to the same privileges and benefits as other parts of the City of Asheville. Said territory shall be subject to municipal taxes according to N.C. Gen. Stat. Sec. 160A-31 and 160A-58.10.

Section 3. The Mayor of the City of Asheville shall cause to be recorded in the office of the Register of Deeds of Buncombe County, and in the office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Buncombe County Board of Elections, as required by N.C. Gen. Stat. Sec. 163-288.1.

Read, approved, and adopted this 27th day of November 2012.

Magdalen Bullerson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullerson
City Clerk

ORDINANCE NO. 4141

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY(S) LOCATED AT 42 AIRPORT ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows: (a) Provides lower-cost residential options in an area with existing infrastructure; (b) Re-establishes a previously existing manufactured housing community; and (c) Provides sidewalks along a stretch of public roadway.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9654.00-7733 from Highway Business district (HB) to Residential Multi-Family High Density district (RM-16). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B", attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 27th day of November, 2012.

Magdalen Bowlson
City Clerk

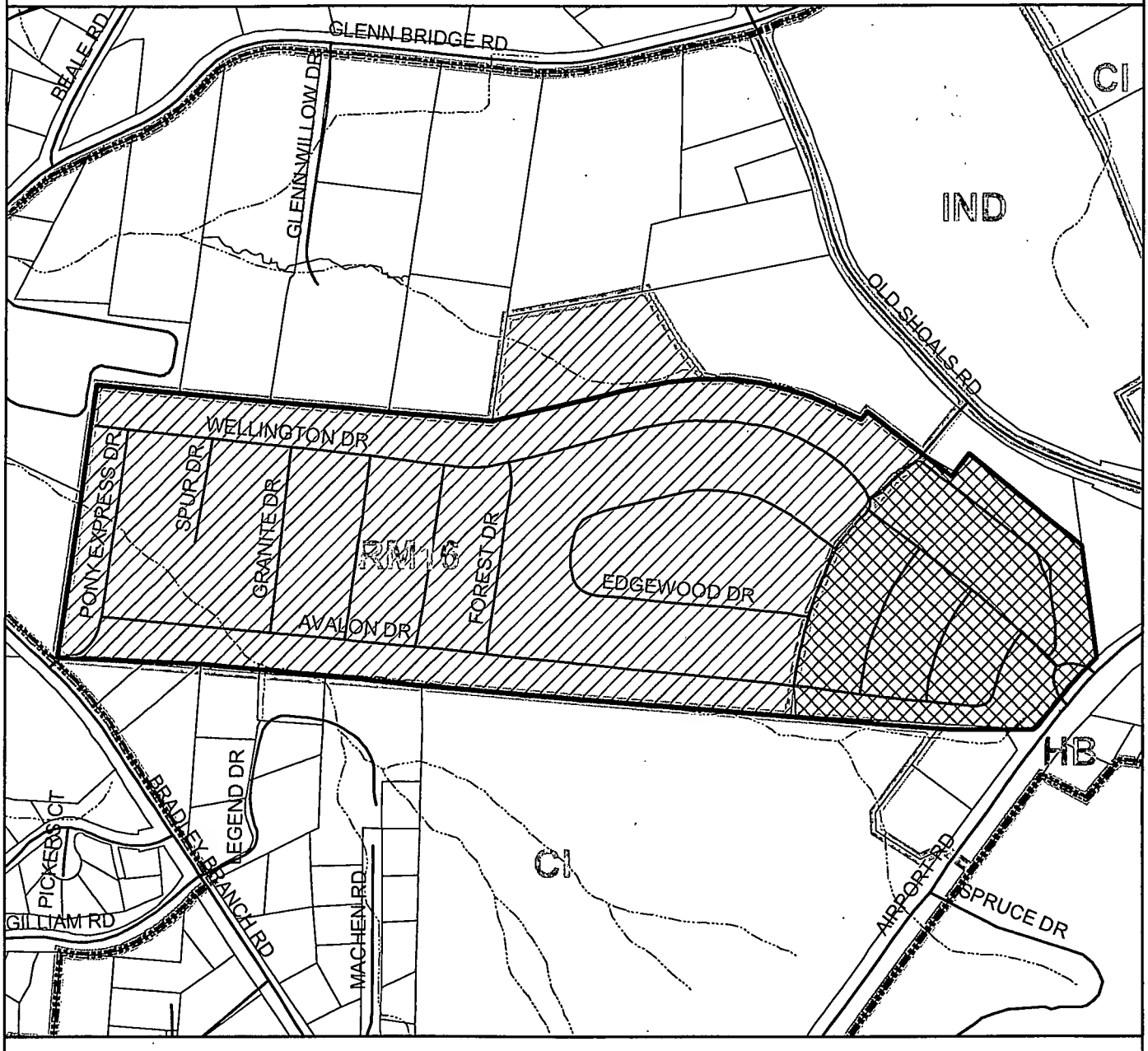
Mayor

Approved as to form:

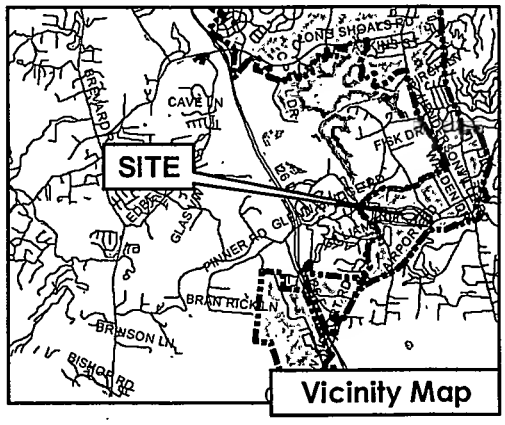
City Attorney

Magdalen Bowlson
City Clerk

City of Asheville - Exhibit A Map
Conditional Zoning Request (RM-16 CZ) with Extension of Manufactured Housing Comm. Overlay



Project Name: Wellington Estates
Project Number: CZ 12 - 51 - 007
Project Description: Conditional zoning from HB to RM-16 CZ with extension of MHC Overlay
Petitioner(s): Lisa Stephens
Parcel ID Number(s): 9654.00-7733
Location/Address: 42 Airport Road



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Development Department - October 5, 2012

EXHIBIT B
CONDITIONS

1. The Project shall comply with all conditions outlined in the TRC staff report.

2. All site lighting must comply with the City's Lighting Ordinance, Section 7-11-10 of the Unified Development Ordinance. A detailed lighting plan illustrating compliance with t his ordinance, will be required upon submittal of detailed plans to be reviewed by the Technical Review Committee.

3. All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape and grading plans.

4. The building design, construction materials and orientation on the site must comply with the conceptual site plan and building elevations presented with this application. Any deviation from these plans may result in reconsideration of the project by the reviewing boards.

5. This Project will undergo final review by the TRC prior to issuance of any required permits.

6. An easement for a bus shelter must be recorded prior to final zoning approval.

7. The fee in lieu of open space must be received prior to final zoning approval. Requested waiver of open space requirement was denied.

39

ORDINANCE NO. 4142

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 11th day of December, 2012.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Budget amendment for the acceptance of energy efficiency rebate funds.

Magdalen Burleson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2012-2013

3. Amendment to Operating ____ and/or Capital Project _X___ appropriation.

Finance Department
4. Requesting Department | **5. Today's Date** | **6. Department Head Signature**

7. Comments/Purpose: to budget compensation- part time for energy efficiency programming

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Energy Efficiency Rebate				
11000016 488014	$0	$6,633.00	$6,633	$6,633
Expenditure:				
Compensation- Part Time				
1100 11000016 511002	$0	$0.00	$6,633	$6,162
FICA Tax Expenses				
11000016 512001	$4,452	$2,460	$4,923	$471
Revenue:				
Energy Efficiency Rebate	$0	$15,168.39	$21,801	$15,168
11000016 488014				
Expenditure:				
Compensation- Full Time Reg	49,520	$22,114.00	$63,580	$14,060
1100 11000016 511001				
FICA Tax Expenses	4,452.00	$2,460.00	$5,560.78	$1,109
11000016 512001				

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:
16. Ordinance Number:
17. Date Received in Budget & Research:
18. Date Sent to City Clerk:

19. Date Posted:
By:
Sheet #:

Must be received by Budget & Research 14 days prior to the City Council Meeting.

41

ORDINANCE NO. 4143

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 11th day of December, 2012.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: To fund the City's annual contribution to the North Carolina State Treasurer's OPEB Fund.

Magdalen Burleson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2012-13

3. Amendment to Operating _x___ and/or Capital Project ____ appropriation.

Finance	12/11/2012	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: To budget the FY 2012-13 OPEB contribution

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
App. Fund Balance				
81000036 499100	$0.00	$0.00	$200,000.00	$200,000.00
Expenditures:				
OPEB Pension Contribution				
81000036 512024	$0.00	$0.00	$200,000.00	$200,000.00
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

43

ORDINANCE NO. 4144

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 11th day of December of 2012.

Magdalen Burleson
City Clerk

Jan Mbellamy
Mayor

Approved as to form:

City Attorney

PURPOSE: To set up the project budget to purchase and install a shelter as part of the conditional zoning of the Chamber of Commerce/Lenoir Rhyne University property located at 36 Montford Ave.

Magdalen Burleson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date: 12/11/2012
2. Fiscal Year: 2012-2013

3. Amendment to Operating ____ and/or Capital Project __X__ appropriation.

4. Requesting Department	5. Today's Date	6. Ken Putnam, Director
TRANSPORTATION	12/3/2012	

7. Comments/Purpose: Budget ordinance amendment in the amount of $16,200 to purchase and install a shelter and a bus pad as part of the conditional rezoning of the Chamber of Commerce/Lenoir Rhyne University property.

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:			$0.00	
Private Donations-Restricted			$0.00	
65000950-483304	0.00	$0.00	$16,200.00	$16,200.00
			$0.00	
			$0.00	
Expenditure:			$0.00	
Materials			$0.00	
65000950-524101	0.00	$0.00	$16,200.00	$16,200.00
			$0.00	
			$0.00	
			$0.00	
			$0.00	
			$0.00	
			$0.00	
			$0.00	
			$0.00	
			$0.00	
			$0.00	
			$0.00	
			$0.00	
			$0.00	
			$0.00	
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

45

ORDINANCE NO. 4145

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 11th day of December, 2012.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Technical budget amendment in each of the City's annual operating funds to appropriate from reserved fund balance the required budget authorization for prior year contracts, purchase orders, and other carry-over appropriations that rolled forward to FY 2012-13.

Magdalen Burleson
City Clerk

City of Asheville

Budget Amendment Details

1. Effective Date:

2. Fiscal Year: 2012-13

3. Amendment to Operating _x___ and/or Capital Project ___ appropriation.

4. Requesting Department	5. Today's Date	6. Preparer's Name
Finance	12/11/2012	

7. Comments/Purpose: To amend budget for encumbrances at 06/30/2012 and carry-over appropiations, representing prior comitments.

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Approp Fund Bal Res for Enc				
11000010:499101	$0	$0	$1,366,656.21	1,366,656.21
Approp Fund Bal Res for Enc				
21000010:499101	$0	$0	$34,400.00	34,400.00
Approp Fund Bal Res for Enc				
61000911:499101	$0	$0	$1,003,978.91	1,003,978.91
Approp Fund Bal Res for Enc				
62000220:499101	$0	$0	$69,959.80	69,959.80
Approp Fund Bal Res for Enc				
62400320:499101	$0	$0	$61,540.51	61,540.51
Approp Fund Bal Res for Enc				
62600900:499101	$0	$0	$22,178.09	22,178.09
Approp Fund Bal Res for Enc				
67008319:499101	$0	$0	$1,223.23	1,223.23
Approp Fund Bal Res for Enc				
81100043:499101	$0	$0	$78,715.10	78,715.10
Approp Fund Bal Res for Enc				
81300038:499101	$0	$0	$116.20	116.20
Expenditures:				
Various Accouts				
11000010:52XXXX	$0	$0	$1,366,656.21	1,366,656.21
Various Accouts				
21000010:52XXXX	$0	$0	$34,400.00	34,400.00
Various Accouts				
61000911:52XXXX	$0	$0	$1,003,978.91	1,003,978.91
Various Accouts				
62000220:52XXXX	$0	$0	$69,959.80	69,959.80
Various Accouts				
62400320:52XXXX	$0	$0	$61,540.51	61,540.51
Various Accouts				
62600900:52XXXX	$0	$0	$22,178.09	22,178.09
Various Accouts				
67008319:52XXXX	$0	$0	$1,223.23	1,223.23
Various Accouts				
81100043:52XXXX	$0	$0	$78,715.10	78,715.10
Various Accouts				
81300038:52XXXX	$0	$0	$116.20	116.20

13. Balance of Transaction: (0.00)

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

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ORDINANCE NO. 4146

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 11th day of December, 2012.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Phase III renovations of U.S. Cellular Center

Magdalen Burleson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2012-13

3. Amendment to Operating ____ and/or Capital Project _x___ appropriation.

Civic Center	12/11/2012	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: to budget funding for phase III Civic Center renovations

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
County Participation				
62700905 437000 C1301	$0.00		$73,460.00	$73,460.00
Other Local Participation				
62700905 437100 C1301	$0.00		$1,550,000.00	$1,550,000.00
Transfer from General Fund				
62790905 498100 C1301	$0.00		$130,000.00	$130,000.00
Sponsorships				
62700905 483305 C1301	$0.00		$72,118.00	$72,118.00
Intraproject Transfers				
62700905 49xxxx C1301	$0.00		$63,940.00	$63,940.00
Expenditures:				
Improvements				
62700905 613101 C1301	$0.00		$1,889,518.00	$1,889,518.00
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

ORDINANCE NO. 4147

ORDINANCE GRANTING CONDITIONAL USE PERMIT FOR A-B TECHNICAL COMMUNITY COLLEGE (240 VICTORIA ROAD)

WHEREAS, the City has the authority pursuant to N. C. Gen. Stat. 160A-381 to issue conditional use permits; and

WHEREAS, the City Council has conducted a public hearing on December 11, 2012, to consider the application of A-B Technical Community College for the construction of an Allied Health and Workforce Development Facility and has determined that said permit should be issued;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. That the Order attached hereto as Exhibit A, setting forth findings and conclusions, is hereby adopted, and the Conditional Use Permit is issued as set forth therein.

Section 2. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 3. That if any section, subsection, clause or phrase of this ordinance is for any reason held to be invalid, then the entire ordinance shall likewise be invalid, and subject to modification or re-adoption as provided by law.

Section 4. This ordinance is enforceable as provided in Article 18 of this Chapter.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted this 11th day of December, 2012.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

Exhibit A

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

CITY OF ASHEVILLE
CITY COUNCIL
File No. 12 CUP _____

In the matter of:
Conditional Use Permit for property at
240 Victoria Road

(A-B Technical Community College)

ORDER ISSUING
CONDITIONAL USE PERMIT

This matter coming on for public hearing before the Asheville City Council at its December 12, 2012, regular meeting, upon an application by Asheville-Buncombe Technical Community College (herein "ABTCC") for a Conditional Use Permit for construction of an Allied Health and Workforce Development Facility (herein "Project") located on approximately 13.13 acres of land on Victoria Road (herein "Subject Property"), and based on the information presented at the public hearing, the City Council makes the following findings and conclusions, and enters the following order:

FINDINGS

1. This public hearing was advertised on November 30, 2012 and December 11, 2012; the Subject Property was posted with signs, and notices were mailed to adjacent property owners. There were no objections based on a lack of notice.

2. The Subject Property is identified by Buncombe County parcel identification number (PIN) 9648.33-4217 and a portion of 9648.33-7732.

3. The Subject Property is 13.13 acres in size. It is the site of the former St. Genevieve of the Pines School. It is currently used for a variety of functions associated with ABTCC.

4. The Subject Property is currently zoned Institutional. The property on the south and east is zoned Institutional as well. The property to the north and west is zoned Residential.

5. The area to the north and west is used for residential purposes. The area to the south and east is used for institutional or other purposes, including use by ABTCC, medical offices, Mission Hospital, and Asheville High School.

6. A portion of PIN 7732 will be combined with PIN 4217.

7. The proposal is to demolish most of the buildings on the Subject Property and to construct a new building and associated parking to be the new Allied Health and Work Force Facility.

8. The new building will be approximately 185,000 square feet, five stories (71 feet) high, and will house a mix of functions, including classrooms, laboratories, offices, a day care center, and an auditorium. A portion of the building will be "roughed in" for future use.

9. The site has been graded and in use for some time, but will be reconfigured to accommodate the new building, parking, and associated landscaping.

10. Access to the Subject Property will continue to be from Victoria Road. A traffic impact study was prepared, and the recommendations of that study and the City Traffic Engineer have been incorporated into the plan.

11. The plan includes additional sidewalks along Victoria Road, and a bus shelter, as well as sidewalks internal to the Subject Property.

12. Internal landscaping and buffering will be provided as required by code, including Type A and Type B buffers. Some additional buffering will be provided for adjacent residential areas. Some existing mature trees will be removed, but new trees will be planted.

13. The Subject Property is served by the City's bus system, and is located close to several major transit corridors, as well as commercial service areas.

14. The Project will be designed for LEED certification.

15. Utility services are currently adequate for the proposed use of the Subject Property, and the Subject Property has adequate accessibility for emergency services. No service deficiencies have been noted.

16. At its October 1, 2012 meeting, the Technical Review Committee (TRC) recommended approval of this project subject to the conditions outlined in the staff report. The Staff Report, including the TRC report, is incorporated by reference in these findings.

17. The conceptual site plans are incorporated herein and made a part of these findings.

JURISDICTIONAL CONCLUSIONS

1. Notice of the public hearing on this matter was provided as required by statute and ordinance, and this matter is properly before the City Council.

2. This application is being reviewed as a Level III conditional use permit for a Level III Project pursuant to UDO Sec. 7-8-3(e).

CONDITIONAL USE DETERMINATIONS

If the Project is developed in accordance with the approved conceptual site plan and elevation drawings, made a part hereof, and in accordance with the conditions set forth below, the Project will satisfy the standards for conditional uses specified in City Code Sec. 7-16-2(c), and set out below. Council's determination is based on all the facts found above, and summarized below following each standard.

1. That the proposed use or development of the land will not materially endanger the public health or safety.

If developed substantially in accordance with approved plans, the Project will comply with all conditions outlined in the TRC Report and will be reviewed in detail by the TRC to ensure compliance with safety requirements.

2. That the proposed use or development of the land is reasonably compatible with significant natural or topographic features on the site and within the immediate vicinity of the site given the proposed site design and any mitigation techniques or measures proposed by the applicant.

   The Subject Property is mostly already developed with buildings and parking facilities and the site is in an area heavily developed with institutional uses, there are few significant natural features on the site or the area to be protected. Most of the trees that will be lost due to development will be replaced with new trees.

3. That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property.

   The proposed use of the Subject Property is similar to what was there before, and similar to other surrounding uses.

4. That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located.

   The use of the Subject Property will not be substantially different from its current use. Additional buffering is to be provided where residential uses abut the Subject Property.

5. That the proposed use or development of the land will generally conform to the comprehensive plan, smart growth policies, sustainable economic development strategic plan and other official plans adopted by the City.

   The Subject Property is appropriately zoned for the proposed use; the conditional use permit is required due to the size. The proposed use supports the 2025 Plan goal of enhancing the City's role as a regional medical and educational center, and working with ABTCC to address its needs.

6. That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.

   The project is located on a roadway that serves major institutional uses at present and is served by a transit route. In addition, basic infrastructure appears adequate and preliminary review by other service providers has not revealed any problems for future service to the development.

7. That the proposed use will not cause undue traffic congestion or create a traffic hazard.

   The Project is close to several major thoroughfares, and roads are adequate to handle anticipated additional traffic, if constructed as approved.

Based on the findings set forth above, the City Council makes the following jurisdictional conclusions and conditional use determinations:

JURISDICTIONAL CONCLUSIONS

1. Notice of the public hearing on this matter was provided as required by statute and ordinance, and this matter is properly before the City Council.

2. This application is being reviewed as a Level III conditional use pursuant to UDO Sec. 7-8-3(e), and 7-16-2(b)(2).

On the basis of the above findings and conclusions, the Asheville City Council grants the application for a Conditional Use Permit for the Project, subject to the following conditions:

1. The Project shall comply with all conditions outlined in the TRC staff report.

2. All site lighting must comply with the City's Lighting Ordinance and be equipped with cut-off fixtures and directed away from adjoining properties and streets. A detailed lighting plan will be required upon submittal of detailed plans to be reviewed by the Technical Review Committee.

3. All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape and grading plans.

4. The building design, construction materials and orientation on site must comply with the conceptual site plan and building elevations presented with this application.

5. Any deviation from these plans may result in reconsideration of the Project by the reviewing boards.

These conditions shall be binding on the Applicant, and any successors in interest.

Read, approved and adopted this the 11th day of December, 2012.

Magdalen Bullerson
City Clerk

Mayor

Approved as to form:

City Attorney

ORDINANCE NO. 4148

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO UPDATE EXISTING OUTDOOR LIGHTING STANDARDS.

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the ***Unified Development Ordinance*** of the City of Asheville currently provides fair and balanced standards for outdoor lighting needs; and

WHEREAS, it has been determined that there may be existing standards that warrant reconsideration and updating; and

WHEREAS, addressing concerns for safety and community compatibility of outdoor lighting is beneficial for the City of Asheville; and

WHEREAS, this proposed change to the ordinance is determined to be reasonable and in the public interest as follows:

a. It will help address existing compatibility concerns between commercial developments and the surrounding community.
b. It will reduce the potential for safety hazards posed by glare and night blindness.
c. It encourages the use of energy efficient technology and provides new standards for their use.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Chapter 7 of the Asheville Code of Ordinances be amended by repealing Sec. 7-11-10 in its entirety and replacing it with the following:

"Sec. 7-11-10. Outdoor lighting standards.

(a) *Purpose.* The purpose of this section is to promote the public health, safety, security, and the nighttime use and enjoyment of property, including:

- To protect and improve safe travel for all modes of transportation;
- To reduce light pollution, light trespass, glare, and unnecessary high light levels and intensity;
- To promote energy efficient lighting practices and systems; and
- To maintain and improve nighttime aesthetics of Asheville, including preservation of the night sky.

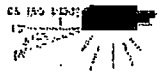
This ordinance provides basic outdoor lighting requirements based on industry standards. Creative use of outdoor lighting to supplement building architecture, enhance

outdoor enjoyment and other uses of lighting are encouraged within the framework of ordinance requirements.

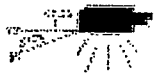
(b) *Definitions.* For the purposes of this section, the following terms are defined.

Cutoff Classifications:

Full cutoff. A luminaire light distribution where zero candela intensity occurs at or above an angle of 90° above nadir. Additionally the candela per 1,000 lamp lumens does not numerically exceed 100 (10 percent) at or above a vertical angle of 80° above nadir. This applies to all lateral angles around the luminaire.



Cutoff. A luminaire light distribution where the candela per 1,000 lamp lumens does not exceed 25 (2.5 percent) at or above an angle of 90° above nadir, and 100 (ten percent) at or above a vertical angle 80° above nadir. This applies to all lateral angles around the luminaire.



Semicutoff. A luminaire light distribution where the candela per 1,000 lamp lumens does not exceed 50 (5 percent) at or above an angle of 90° above nadir, and 200 (20 percent) at or above a vertical angle 80° above nadir. This applies to all lateral angles around the luminaire.

Noncutoff. A luminaire light distribution where there is no candela limitation in the zone above maximum candela.

Other Definitions:

Backlight, Uplight, and Glare (BUG) rating. A luminaire classification system that classifies backlight (B), uplight (U), and glare (G) ratings to evaluate luminaire optical performance related to light trespass, sky glow, and high angle brightness control.

Ballast. A device used with an electric-discharge lamp to obtain the necessary circuit conditions (voltage, current, and waveform) for starting and operating.

Candela. The metric unit luminous intensity (that is, power emitted by a light source in a particular direction, with wavelengths weighted by the luminosity function, a standardized model of the sensitivity of the human eye).

Direct glare. Glare resulting from high luminances or insufficiently shielded light sources in the field of view. It is usually associated with bright areas, such as luminaires, ceilings, and windows that are outside the visual task or region being viewed. A direct glare source can also affect performance by distracting attention.

Directional lighting. Lighting provided on the workplane or on an object. Light that is predominantly from a preferred direction.

Fixture. See luminaire.

Flood lamp. A form of lighting designed to direct its output in a specific direction with a reflector formed from the glass envelope of the lamp itself. Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting.

Flood light. A form of lighting designed to direct its output in a diffuse, more or less specific direction, with reflecting or refracting elements located external to the lamp. These lights are prohibited in the City of Asheville.

Footcandle (FC). A quantitative unit measuring the amount of light (illumination) falling onto a given point. One footcandle equals one lumen per square foot.

Fully Sheilded. A light fixture constructed, installed and maintained in such a manner that all light emitted from the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane through the fixtures lowest light emitting part.

Glare. The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, to cause annoyance, discomfort, or loss of visual performance and ability.

Horizontal footcandles. A quantity of illumination (footcandle(s)) at a given point that is measured or calculated at a specified height in a plane parallel to the line of sight when looking at the brightest light source in the field of view.

IESNA. The Illuminating Engineering Society of North America, a non-profit professional organization of lighting specialists that has established recommended design standards for various lighting applications.

Illuminance. The amount of light (luminous flux incident) at a point on a surface (measured in lux or footcandles).

Internal refractive lens. A glass or plastic lens installed between the lamp and the sections of the outer fixture globe or enclosure. Refractive refers to the redirection (bending) of the light as it goes through the lens, softening and spreading the light being distributed from the light source thereby reducing direct glare.

Lamp. The device in a lighting fixture that provides illumination, typically a bulb, florescent tube, or light emitting diode (LED).

Light source. The element of a lighting fixture that is the point of origin of the lumens emitted by the fixture.

Light trespass. Unwanted light spilling onto an adjacent property and/or an excessive brightness (i. e. glare) is occurring in the normal field of vision.

Low luminosity lighting. Lighting fixtures whose lumen output does not exceed 1000 lumens. See also *Very low luminosity lighting.*

Low level decorative lighting. Lighting fixtures whose lumen output does not exceed 60 lumens.

Low Voltage Lighting. Lighting equipment powered through a transformer such as a cable conductor that lowers the voltage supplied to the luminaires to 25v or less.

Lumen. A quantitative unit used to identify the amount of light emitted by a light source. A lamp is generally rated in lumens.

Luminaire (light fixture). A complete lighting unit consisting of a lamp or lamps and ballast(s) (when applicable) together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.

Lux. A unit of illuminance. One lux equals one lumen per square meter. One footcandle equals 10.76 lux (often rounded to 10 lux for ease of use).

Maintained footcandles. Illuminance of lighting fixtures adjusted for a maintenance factor accounting for dirt build-up and lamp output depreciation. The maintenance factor used in the design process to account for this depreciation cannot be lower than 0.72 for high-pressure sodium and 0.64 for metal halide and mercury vapor.

Medium base. The size of lamp socket designed to accept a medium or Edison base lamp (typical size used in the home).

Nadir. The point directly below the luminaire.

Outdoor display area. areas used to show products, merchandize, or other items for evaluation (i.e. cars, RVs, boats, etc.).

Outdoor performance area. An area permanently dedicated to the public presentation of music, dance, theater, media arts, storytelling, oratory, or other performing arts, whether publicly or privately owned, including but not limited to amphitheaters and similar open or semi-enclosed structures.

Post mounted decorative fixtures. Luminaires/fixtures that are mounted on a post (typically a 20-foot mounting height or less) and are decorative in style and appearance.

Right-of-way. An interest in land to the city which provides for the perpetual right and privilege of the city, its agents, franchise holders, successors, and assigns to construct, install, improve, reconstruct, remove, replace, inspect, repair, maintain, and use a public street, including related and customary uses of street rights-of-way such as sidewalks, bike paths, landscaping, mass transit facilities, traffic control, traffic control devices and signage, sanitary sewer, stormwater drainage, water supply, cable television, electric power, gas, and telephone transmission and related purposes in, upon, over, below, and across the rights-of-way.

Seasonal lighting. Holiday /temporary lighting displays to be utilized less than thirty days in any one year.

Shield. A device that is attached onto or inserted into a luminaire to alter the direction of light being emitted. A luminaire that has a shield attached or inserted is considered to be "shielded".

Street light. A luminaire that is used to light a street or roadway.

Top shield. A shield that is attached onto the top part of the luminaire or inserted into a luminaire to reduce/prevent uplight.

Uplight. The portion of luminous flux (light) from a luminaire emitted at angles above the horizontal.

Vehicular canopy. A roofed, open, drive-through structure designed to provide temporary shelter for vehicles and their occupants while making use of a business' services.

Vertical footcandles. A quantity of illumination (footcandle(s)) at a given point that is measured or calculated at a specified height in a plane perpendicular to the line of sight when looking at the brightest light source in the field of view.

Very low luminosity lighting. Temporary, seasonal, or permanent lighting fixtures whose luminosity does not exceed 15 lumens. See also *Low luminosity lighting.*

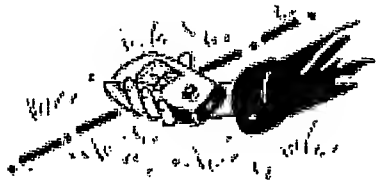
Wall-mounted fixture. a luminaire/fixture that is typically mounted on or attached to a wall, column or building surface.

Wall pack. A type of light luminaire/fixture typically flush-mounted on a vertical wall surface.

Wide-body refractive globe. A translucent lamp enclosure used with some outdoor fixtures to provide a decorative look (including but not limited to acorn- and carriage light-style fixtures). "Wide-body" refers to a wider than average size globe (greater than 15.75" in diameter). "Refractive" refers to the redirection (bending) of the light as it goes through the lens, rendering the light fixture more effective. Wide-body refractive globes are intended to soften and spread the light being distributed from the light source thereby reducing direct glare.

(c) *Light measurement technique.* Light level measurements shall be made at the property line of the property upon which light to be measured is being generated. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the property of the complainant or at any other location on the property of the complainant. Measurements shall be made at finished grade (ground level), with the light-registering

portion of the meter held parallel to the ground pointing up. The meter shall have cosine and color correction and have an accuracy tolerance of no greater than plus or minus five percent. Measurements shall be taken with a light meter that has been calibrated within two years. Light levels are specified, calculated and measured in footcandles. All footcandle values below are maintained footcandles.



(d) *Applicability.* This section shall apply to all outdoor lighting fixtures and land uses established after the effective date of this ordinance [November 25, 2008] in all of the following conditions:

(1) New development requiring Level I, II, or III site plan review pursuant to section 7-5-9 of this chapter;

(2) New one and two family dwelling units;

(3) All new street lighting for all private and publicly maintained streets within the City of Asheville and all streets that are subject to City of Asheville construction standards and subdivision review pursuant to section 7-5-8

(4) New outdoor lighting systems as part of an existing commercial, industrial, or multi-family residential lighting installation even if the original lighting installation was purchased and/or installed before the effective date of this ordinance, unless part of an expansion not greater than 10 percent of the original outdoor fixture count.

(e) *Exemptions to outdoor lighting standards.* The following conditions are exempted from the standards set forth in this subsection, provided that they do not constitute a public safety concern or create a nuisance, and are maintained in a safe condition.

(1) All lighting required by state and federal agencies.

(2) *Seasonal lighting displays* or *very low luminosity lighting* displays using multiple lamps

(3) Temporary lighting for emergency, repair, construction, special events or similar activities.

(4) Ornamental gas lights that meet the definition of low level decorative lights.

(5) Historic landmark structures.

(6) Lighting fixtures located in a local Historic District when compliance with these standards conflicts with the district's guidelines.

(7) Low voltage landscape lighting, but such lighting should be shielded in such a way as to eliminate glare and light trespass.

(f) *Lighting prohibitions.* The following types of outdoor lighting are specifically prohibited:

(1) Lighting that could be confused for a traffic control device.

(2) Lighting that is oriented upward, except as otherwise provided for in this ordinance.

(3) Search lights, laser source lights, or any similar high intensity lights unless otherwise exempt.

(4) Blinking, flashing, moving, flickering, changing intensity, changing color lights not otherwise permitted in this ordinance.

(5) Any exposed lamp or bulb visible from the property boundary of the parcel on which the light is located.

(6) A suspended string of lights with individual lamps larger than 15 lumens.

(7) Any lighting fixture or device that is operated in such manner as to constitute a hazard or danger to persons, or to safe vehicular operation.

(8) Unshielded accent building mounted luminous tube (such as neon, LED, fluorescent or other similar technology).

(9) Flood lights.

(10) Internally illuminated wall panels.

(11) Lighting of any angled building surface (i.e. roof pitch).

(g) *General standards for new outdoor lighting.*

(1) All exterior light fixtures shall be classified as providing *full cutoff* light distribution unless otherwise allowed or exempted by this ordinance.

(2) The maximum light level at any property line shall be 0.5 footcandle maintained.

Exceptions:

a. Unless otherwise allowed or exempted by this ordinance.
b. Where required by the NC Building Code as a component of the minimum requirements for a means of egress system.

(3) Directional lighting allowed by the ordinance shall be directed downward unless otherwise allowed or exempted by this ordinance.

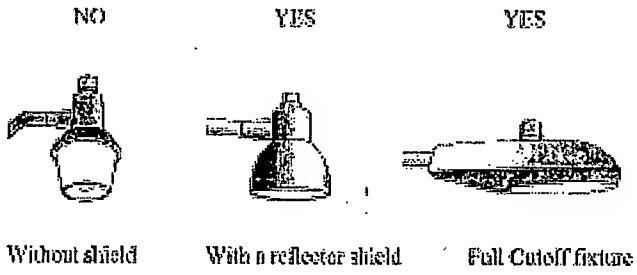
(4) All flood lamps shall not exceed 1,250 fixture lumens and must be shielded and aimed down 60 degrees from horizontal. Lamps shall be aimed such that the main beam from the light source is not visible from adjacent properties or the public street right-of-way.

(5) All pole mounted lights shall not exceed 37-foot mounting height above grade.

(6) All new dusk-to-dawn security lights shall be full cutoff fixtures with a maximum rating of not to exceed 9,500 fixture lumens (6,000 fixture lumens in residential zoning districts) or comply with subsection (n) (Non-conformities) with a mounting height not to exceed 25 feet.

a. All new dusk-to-dawn utility type fixtures must be equipped with a reflector shield that provides a full cutoff light distribution as defined in subsection (b) of this article. An approved alternative is to install a different type of fixture that has a full cutoff light distribution with a maximum rating of not to exceed 9,500 lumens.

b. All new LED dusk-to-dawn utility type fixtures shall comply with the LED standards listed in subsection (8) below.



(7) Where land elevations to be lighted are higher or lower than a nearby street, residential dwelling or other type of facility and the lighting installation causes offensive light trespass and/or glare, the city planning director may require shields to be installed on the fixtures at the time of the installation or afterwards. If shields do not correct the problem sufficiently, the planning director may require that one or more of the following measures may be implemented in order to mitigate the conflict to the maximum extent possible:

a. Change the aiming of offending fixtures,

b. Change the location and/or mounting height or the offending poles,

c. Change the light distribution pattern of the offending fixtures, or

d. Remove the offending poles and fixtures from the site.

(8) All LED lighting shall meet the B-U-G ratings noted in the applicable subsections and comply with all other applicable requirements, and shall also meet the following standards:

a. The LED correlated color temperature (CCT) shall not be higher than 4300 K (Kelvin degrees).

b. The maximum number of fixture lumens shall not exceed 6,000 in residential districts and no more than 15,000 lumens in non-residential districts, unless otherwise allowed or exempted.

(9) Where these standards conflict with those required by the current editions of the NC Building Codes, the most restrictive standard shall apply. Where

subsections of this ordinance are in conflict with each other, the most restrictive standard shall apply.

(h) *Street lighting.*

(1) The director of public works shall be responsible for executing the street lighting program and policies.

(2) The director of public works or his designee shall evaluate requests for additions, removals or other changes to street lighting and respond to the requestor within 30 days.

(3) These standards shall not apply to residential subdivisions lawfully established prior to the effective date of this ordinance (November 25, 2008) or extend to those properties acquired as part of such communities prior to November 25, 2008, provided it can be demonstrated that these properties were included in a documented community master plan.

(3) Existing non-LED street lights may be replaced with similar non-LED fixtures where warranted by NCDOT and approved by the Director of Public Works.

(4) General design standards.

a. *Spacing.* Newly installed standard pole mounted street lights shall be placed at the following intervals as measured along the street centerline:

i. In residential areas street lights shall be placed at intervals of 125 feet to 150 feet. The public works director may approve wider spacing for low density residential subdivisions provided the overall density is less than two units per acre AND both the streets and light fixtures are privately maintained.

ii. On major arterial roadways, street lights shall be placed at intervals of 75 feet to 100 feet.

iii. In business districts, street lights shall be placed at intervals of 55 feet to 80 feet.

iv. Preference in placement shall be given to street intersections and street curves.

v. Alleys are excluded from the spacing and placing requirements of this policy but are encouraged to be illuminated using private security lights, wall packs, or other fixture utilizing a full-cutoff design.

vi. In areas where post-mounted fixtures (18-foot mounting height or less) are installed, the spacing of posts should be adjusted to the particular fixtures used and as approved by the director of public works or his/her designee. IESNA Recommended Practice 8 (Roadway Lighting) should be used as a guide for street lighting design.

b. *Alignment.* Street lighting on newly constructed streets shall be alternately staggered on each side of the street wherever possible.

c. *Luminance.* Newly installed street lighting fixtures shall utilize the City's standard and meet the following lumen ratings:

i. In residential districts - no greater than 6000 fixture lumens, with exceptions noted in subsection (5) below.

ii. In commercial districts - no greater than 15,000 fixture lumens, with exceptions noted in subsection (5) below.

d. *Mounting support.* It is preferred that existing poles and associated mounting hardware be used to mount street lights. However, decorative poles and associated mounting hardware may be used upon agreement between the requestor, Progress Energy and the City of Asheville.

e. *Historic district.* Full cut-off fixtures are required, however, semi-cutoff and cutoff decorative post-mounted fixtures (18-foot mounting height or less) may be used in historic districts when compliance with the district's design guidelines require it. All fixtures should limit glare, light trespass and light pollution.

f. *Interstate highway lighting.* The installation of lighting on existing or future interstate highways within the City of Asheville shall require a municipal agreement between the city and the NC Department of Transportation.

g. *Assumption of private street lighting.* The City of Asheville may also, upon approval of the governing body, assume responsibility for streetlights that at the time of construction of private roadways, providing the following conditions are met:

- The street lights are installed in accordance with this policy.
- The private roadway(s) served by the streetlights are accepted into the City of Asheville or NCDOT road system.

h. *Variations in land elevations.* Where land elevations vary and cause the street lighting poles to be installed higher or lower than adjacent roads or property, thus causing offensive light trespass and/or glare, the standards set forth in subsection (g)7 may also be applied to street lighting.

(5) All LED street lighting shall comply with the standards in subsection (g)(8) and shall have a maximum BUG rating of B3, U3, G3 on commercial streets and major arterial DOT and City of Asheville roads, and a maximum of B1, U1, G1 on residential streets.

Exceptions:

a. Use of LED street lights in residential areas over 6000 and up to 8,200 fixture lumens are allowed at intersections and safety sensitive locations, as deemed necessary by the Director of Public Works.

b. Use of LED street lights on commercial and major arterial roads over 15,000 fixture lumens are allowed to ensure public safety as deemed necessary by NCDOT and by the Director of Public Works.

(6) The Director of Public Works may grant exceptions to these standards when, based on the director's determination, conditions (including but not limited to topography, road geometry, heavy foliage, and criminal activity, etc.) are adversely impacting public safety and welfare.

(i) *Site lighting.* All ground mounted light fixtures shall comply with the general standards listed in subsection (g) above as well as the standards listed here.

(1) Pedestrian lighting on posts with a mounting height of 18 feet or less shall be directed to paths and sidewalks. Lighting should be placed to provide good uniformity, to limit glare, light trespass, light pollution and the casting of shadows on sidewalks. All pedestrian lighting fixtures shall comply with the other sections of this ordinance

(2) Outdoor display areas, as defined in Article 2 of this chapter, shall have a maximum average of illuminance of 20 maintained footcandles.

(3) The mounting height of all outdoor lighting, except outdoor sports field lighting and outdoor performance area lighting, shall not exceed 37 feet above finished grade.

(4) Illumination of all open or surface parking and outdoor commercial areas shall comply with the following light levels limits, uniformity ratios and other criteria listed below:

a. Open parking facilities — For lighted parking lots the recommended minimum light level shall be no less than 0.2 footcandles. All light levels are measured at ground level. The minimum light level requirements vary depending on the activity classification. The specified minimum FC value above 0.2 FC as outlined in the following table means that the lowest light level point or location in the parking lot must not exceed the minimum stated FC value in the table (i.e. 0.9 FC for large shopping centers). An average to minimum uniformity ratio of 4:1 means that the average FC to minimum FC ratio cannot be worse (higher) than 4:1. See the following table:

Light Levels for Open Outdoor Parking Facilities*		
Use/Task	**Maintained Footcandles**	**Uniformity Avg/Min**
(a) Parking, residential, multi-family		
• Low to medium vehicular/pedestrian activity	Range from 0.2 Min to 0.7 Min	4:1
(b) Parking, industrial/commercial/Institutional/municipal		
• High activity, i.e. large shopping centers/fast food facilities, major athletic/civic cultural events	0.9 Min	4:1
• Medium/low activity, i.e. community shopping, office parks, hospitals, commuter lots, cultural/civic/recreational events, residential neighborhood shopping, industrial employee parking, schools, church parking	Range from 0.2 Min to 0.7	4:1

* Source: IESNA 8th Edition Lighting Handbook; Modifications: Medium and Low Activity Level recommendations have been combined and modified.

Notes:

1. Illumination levels are horizontal on the task, e.g. pavement or area surface.
2. Uniformity ratios dictate that average illuminance values shall not exceed minimum values by more than the product of the minimum value and the specified ratio. For example, for commercial parking medium/low activity, the average footcandles shall not be in excess of 2.8 (0.7 × 4).
3. The planning director or his/her designee shall be responsible for determining the activity level for a development. Any project that requests a light level that exceeds the footcandle values outlined above must demonstrate a need for a higher light level to the City of Asheville planning director or his/her designee.

(5) All LED site lighting shall comply with the standards in subsection (g)(8) and comply with the following.

a. Post-mounted decorative fixtures shall have a maximum BUG rating of B3, U1, G1 when 9500 fixture lumens or less and not taller than 18-feet, unless otherwise exempted.

b. LED site lighting greater than 9500 fixture lumens or taller than 18-feet shall have a maximum BUG rating of B3, U0, G1, unless otherwise excepted.

(6) Historic districts require the use of full cut-off fixtures; however, semi-cutoff and cutoff decorative post-mounted fixtures (18-foot mounting height or less) may be used in historic districts when compliance with the district's design guidelines requires it. All fixtures should limit glare, light trespass and light pollution.

(7) Post mounted lawn luminaires may be installed in residential applications provided the fixture delivers a maximum of 1000 lumens output (equivalent to a

60watt incandescent bulb) and utilizes a translucent lens covering the light source. The height of the post shall not exceed 8 feet above the finished grade.

(8) All ornamental or aesthetic lighting of buildings and landscaping lighting not attached to a building shall be located, aimed, and shielded so that direct illumination is focused exclusively on the building facade, plantings, and other intended site feature and away from adjoining properties, the night sky, and the public street right-of-way. Additionally, these fixtures shall also meet the following standards:

a. Illumination on any vertical surface shall not exceed .5 FC average maintained and shall not spill over roof lines or building edges. Reflected glare bouncing off windows or other glazing that is visible from adjacent property is prohibited.

b. All ground mounted landscape and residential facade lighting systems not aimed downward shall utilize *low level decorative lighting* fixtures and shall be aimed no greater than 60 degrees from the horizontal ground level. The luminaires shall be shielded and aimed such that the light source cannot be seen from adjacent property or public areas or rights-of-way.

(j) *Lighting attached to structures or buildings.* All light fixtures attached or mounted against a building or structure shall comply with the general standards listed in subsection (g) above as well as the standards listed here.

(1) *Covered parking facilities.* Top levels of garages open to the sky shall comply with the requirements outlined in (i)(4) for Open parking facilities. The mounting height on the top level of a garage shall not be greater than 22 feet above the parking deck top floor including raised foundations and the light fixture classification shall be full cutoff.

Additionally, all lighting within open parking garages shall be fully shielded so as not to create glare off-site.

(2) *Lighting for vehicular canopies.* Areas under a vehicular canopy shall have an average maximum horizontal illuminance of 20 maintained footcandles (FC). Areas outside the vehicular canopy shall be regulated by the standards of subsection (i) above. Lighting under vehicular canopies shall be designed so as not to create glare off-site. Acceptable methods include one or more of the following:

a. Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the vehicular canopy that provides a full cutoff or fully shielded light distribution.

b. Surface mounted fixture incorporating a flat glass that provides a full cutoff light distribution.

(3) *Skylights.* Buildings equipped with skylights or other horizontal daylighting openings must control the light trespass and light pollution that is projected upward from the interior lighting system through the daylight glazing into the outdoor night environment and shall also meet the following standards:

a. Skylight glazing shall specify a maximum light transmission of 20%
b. Businesses operating on a 24 hour basis shall employ the use of shielding, louvers or other approved control devices installed to restrict light trespass, light pollution and glare.
c. Light fixtures shall not be located in or directly below light wells that are not utilizing shielding or louvers.

Exception: This subsection does not apply to one and two family dwelling units.

(4) *Ornamental and general use lighting.* All ornamental and general use fixtures attached to buildings or structures shall be located, aimed, and shielded so that direct illumination is focused exclusively on the building facade or the ground immediately below the fixture. Additionally, these fixtures shall also meet the following standards:

a. All *Wall-mounted fixtures,* wall packs, porch lights, ceiling mounted and pendant style fixtures shall be full cutoff fixtures.

Exception: The fixture delivers a maximum of 1000 lumens output (equivalent to a 60watt incandescent bulb) and utilizes a translucent lens covering the light source.

b. All recessed ceiling fixtures incorporating a lens cover shall be restricted to lenses that are either recessed or flush with the ceiling.

c. Lamps providing minimum exit discharge lighting as required by the NC Building Codes shall be shielded unless otherwise exempt.

d. Dual purpose fixtures (general use & exit discharge) fitted with battery back-up for emergency use shall be full cut-off. Those fixtures that come on only during an emergency or power outage are exempt.

Comparison of efficacy by power
(120 Volt Incandescent lamps)

Output (Lumens)	Power (Watt)		
	Incan	CFL	LED
500	40	8 - 10	9
850	60	13 - 18	12 - 15
1,200	75	18 - 22	15
1,700	100	23 - 28	18

(4) All LED lighting attached to buildings or structures shall comply with the standards in subsection (g)(8) and shall have a maximum BUG rating of B0, U0, G0, unless otherwise exempted or excepted.

(k) *Outdoor sports field/outdoor performance area lighting*

(1) The mounting height of outdoor sports field and outdoor performance area lighting fixtures shall not exceed 80 feet from finished grade.

(2) All outdoor sports field and outdoor performance area lighting fixtures shall be equipped with a glare control package (louvers, shields, or similar devices). The fixtures must be aimed so that their beams are directed and fall within the primary playing or performance area.

(3) The hours of operation for the lighting system for any game or event shall not exceed one hour after the end of the event.

(4) All outdoor sports field and outdoor performance area lighting shall also meet the general standards set forth in subsection (g).

(l) *Signs.*

(1) Lighting fixtures illuminating signs shall be carefully located, aimed, and shielded so that light is directed only onto the sign facade and glare is significantly reduced. Lighting fixtures shall not be aimed toward adjacent streets, roads, or properties.

(2) Internally illuminated signs are permitted so long as the sign is not too bright from the surroundings and does not create a nuisance or hazard to motorists.

(3) Lighting fixtures shall be directed downward rather than upward.

(4) This ordinance does not regulate signs. See the City of Asheville sign ordinance for this information.

(m) *Permits.* The applicant for any permit required for work involving outdoor lighting shall submit documentation at time of site plan or plot plan approval that the proposed lighting plan complies with the provisions of this Code. The submission shall contain, but not be limited to the following, all or part of which may be part of or in addition to the information required elsewhere in this Code:

(1) For all Level III projects, a point-by-point footcandle array in a printout format indicating the location and aiming of illuminating devices must be furnished. For lower level projects, a point by point array must be furnished upon request. The printout shall indicate compliance with the maintained footcandle limit required by the appropriate section of this Code.

(2) For all Level III projects, a description of the illuminating devices, fixtures, lamps, supports, reflectors, poles, raised foundations and other devices including but not limited to manufacturers or electric utility catalog specification sheets and/or drawings, and photometric report indication fixture classification (cutoff fixture, wallpack, flood light, etc) must be furnished. For lower level projects, this same information will be required upon request.

(3) All Level III projects, conditional use permit projects and conditional zoning projects will be evaluated on a case specific basis and may be held to a standard

that exceeds those minimum standards set forth in this ordinance. Council may modify these standards per subsection 7-9-9(c)3.

(4) Inspection or plan review personnel may waive any or all of the above permit requirements, provided the applicant can otherwise demonstrate compliance with this Code.

(n) *Non-conformities.*

(1) Any lighting fixture lawfully in place or approved by the city prior to the adoption of this ordinance shall be exempt from these requirements. Routine maintenance, including changing the lamp, starter, photo control, lens, and other required components is permitted for all existing fixtures.

(2) All dusk to dawn utility type lights installed prior to November 25, 2008 will be exempted from full cutoff requirements for five years from this date. After five years, all such lights shall be discontinued, removed or made to conform to the provisions of this ordinance.

(3) All utility owned flood lights installed prior to [insert effective date here] will be exempted from the prohibition on flood lights for five years from this adoption date. After five years, all such lights shall be discontinued, removed or replaced with conforming fixtures. Existing floodlights that are privately owned my continue to be used provided the light fixture is angled down and/or shielded so that it produces a full cutoff distribution.

(4) Should the property owner fail to bring the lighting system into compliance, the owner shall be subject to the civil penalties set forth in subsection 7-18-2(b).

(o) *Appeals.* Appeals regarding the interpretation or application of this ordinance may be taken to the board of adjustment in the manner provided in article VI."

Section 2. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. This ordinance shall be enforced as provided in Article XVIII of Chapter 7, and Sec. 1-5 of the Asheville City Code.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. This ordinance is effective upon adoption.

Read, approved, and adopted this 11 day of December, 2012.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

ORDINANCE NO. 4149

ORDINANCE GRANTING FRANCHISE TO OPERATE A TROLLEY BIKE TOUR SERVICE (PUB CYCLE) WITHIN THE CITY OF ASHEVILLE

WHEREAS, the City of Asheville (herein "City") has the authority pursuant to G.S. 160A-296 to control the use of streets and sidewalks within the city; and

WHEREAS, the City of Asheville has the authority pursuant to G.S. 160A-76 to grant franchises; and

WHEREAS, Peech Development, Inc. d/b/a Amazing Pubcycle, a North Carolina Corporation (herein "Amazing Pubcycle"), proposes to operate a trolley bike tour service on the streets of the City; and

WHEREAS, the City has determined that it is in the public interest to permit the operation of said service on the City's streets, subject to certain terms and conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Amazing Pubcycle is hereby granted a franchise to operate a Trolley Bike Tour Service (herein "Pubcycle") on the streets of the City of Asheville subject to the following terms and conditions:

1. Route: The Pubcycle Service is allowed only in the following areas: the Central Business District (CBD), as shown on the map attached hereto as **Exhibit A**. In addition, the Pubcycle is prohibited from operating on public streets where the speed limit is thirty-five (35) miles per hour or higher. The operation of the Pubcycle Service shall be designed so as to minimize traffic impacts upon the general circulation of vehicular and pedestrian traffic of the City. The Pubcycle Service shall not load or unload passengers directly from Patton Avenue, College Street, Broadway or Biltmore Avenue unless there is an open parking space or a loading/unloading zone into which the Pubcycle can safely enter in order to prevent blocking the flow of traffic.

   The Pubcycle Service is also prohibited from operating on any State of North Carolina maintained street within the Central Business District including US 25 (Biltmore Ave/Broadway), SR 3284 (South Charlotte Street), and NC 694 (Town Mountain Road) except with express written permission from the NCDOT

and a copy of such permission is delivered to the Transportation Director.

2. Stops and Parking: Pubcycle Service stops may not exceed three minutes on any public right-of-way, except as necessary to embark and debark passengers, or with the written permission of the City Traffic Engineer. Loading zones may be used for stops of this limited duration. All service stops shall be made in a way to minimize any possible disruption to the flow of vehicular traffic. It is anticipated that the Pubcycle Service will secure parking mainly in private lots when longer stops (i.e. waiting for passengers while they are in restaurants) are required.

3. Operating times/frequency: For all operations, the hours of operation shall be limited to between 1:00 p.m. to 3:00 a.m., Monday thru Friday, and no restrictions on Saturdays, Sundays and City Holidays. City reserves the right to change these hours at its sole discretion, provided that ABT is given a 30 day notice of such change. The Pubcycle is prohibited from operating in any City approved festival or event area where the roadways are blocked including, but not limited to, the Bele Chere festival except with written permission from the event organizer.

4. Terms of Franchise/Renewal: The term of this Franchise shall be for one year beginning on the 1st of March, 2013 and ending on the last calendar day of February 2014. Applicant may apply for renewal of the Franchise any time after September 2013.

5. Insurance: Amazing Pubcycle shall maintain Commercial General Liability insurance, including coverage for contractual liability, liability from independent contractors, property damage liability, bodily injury liability, and personal injury liability with limits of not less than $1,000,000 per occurrence, and $1,000,000 annual aggregate. The coverage shall be written on an occurrence basis. At all times during the term of this Franchise, Amazing Pubcycle shall maintain statutory Workers' Compensation insurance in accordance with the laws of North Carolina. Amazing Pubcycle shall also maintain Employers' Liability insurance with limits of not less than $500,000 per accident and $100,000 each employee for injury by disease. In the event of bodily injury or property damage loss caused by

Amazing Pubcycle's negligent acts or omissions in connection with Amazing Pubcycle's services or operations associated with this Agreement, Amazing Pubcycle's Liability insurance shall be primary with respect to any other insurance which may be available to the City, regardless of how the "Other Insurance" provisions may read. Amazing Pubcycle shall submit copies of all said policies and a certificate of insurance naming the City as an additional insured for the approval of the City's Risk Manager. Approval from the City's Risk Manager shall be obtained prior to beginning any operation in the City of Asheville.

Amazing Pubcycle shall submit copies of said insurance policy and a certificate of insurance for approval to the City's Transportation Director prior to starting operations in the City of Asheville.

6. Indemnity: By commencing operation under this Franchise, Peech Development, Inc. d/b/a Amazing Pubcycle agrees to indemnify and hold harmless the City against any liability for personal injury, property damage or other damage or injury arising from or in connection with any of its 's operations, including operation of the Pubcycle Service under this Franchise, and its insurance policy shall name the City as an additional insured to this effect.

7. Pubcycle/Trolley Bike Equipment/Condition of Vehicle: The pubcycle or trolley bike will be a pedal-assisted motorized vehicle that is licensed and plated by the NC Department of Transportation as a slow moving vehicle. The vehicle's approximate speed is 6-8 mph but has the ability to travel at speeds up to 25 mph. The vehicle is approximately 18' long and 6' wide, or about the size of a full-size pickup truck. It holds up to 15 passengers, plus a Conductor and possibly an additional watchman. Safety features of the vehicle are expected to include headlamps, tail lamps, stop lamps, turn signals, a Type AS-1 or AS-5 glazing windshield with wiper, reflex bumpers, parking brake, rearview mirrors, a horn, and seatbelts. Amazing Pubcycle is responsible for ensuring that all pubcycle/trolley equipment is maintained in a safe and operable condition in accordance with applicable laws. The City reserves the right to have the vehicle inspected by the City's taxi inspector, appointed pursuant to city Code Sec. 18-9, and to restrict operation of any vehicles that fail inspection.

8. Standards for Drivers/Conductors: The pubcycle/trolley bike will have a designated driver known as the Conductor and possibly another representative of the company known as the Watchman who will assist with tours and enforcement of rules. Amazing Pubcycle shall certify in writing to the City that each driver has a valid North Carolina driver's license, is medically fit to operate the pubcycle/trolley bike and has submitted a complete criminal background check. Amazing Pubcycle shall keep these records on file and will supply this information to the City upon request. Drivers with convictions for crimes of moral turpitude, driving while impaired, controlled substance offenses and sex offenders are prohibited from operating the pubcycle/trolley bike within the City limits.

9. Non-transferability/Amendment: This Franchise shall constitute a certificate of public convenience and necessity for the operation of the Pubcycle Service. This Franchise is not transferable, except to another entity owned by Amazing Pubcycle with written agreement from the City, and may not be amended except as provided in G.S. 160A-76 and G.S. 160A-304(b). This Franchise is not exclusive.

10. Revocation/Termination: The City may revoke this Franchise at any time for failure by Amazing Pubcycle to comply with any of the provisions hereof; provided, that Amazing Pubcycle shall receive 10 day's notice of said revocation during which time this franchise may only be suspended.

    The City may revoke this Franchise for any reason upon 30 days notice to Amazing Pubcycle. Amazing Pubcycle shall be entitled to no compensation or payment as a result of the revocation of this franchise for any reason.

    Amazing Pubcycle may cease operations under this Franchise upon 30 days notice to the City.

11. Notice: Any notices required or permitted pursuant to this franchise shall be first class mail or personal delivery to the parties as follows:

    If to Peech Development, Inc. d/b/a/ Amazing Pubcycle:
    Shawn Verbrugghe
    88 Barnard Ave.
    Asheville, NC 28804

    If to City:

City Attorney
70 Court Plaza
Asheville, NC 28802

Compliance with the formalities of this section may be waived.

Peech Development Inc. d/b/a Amazing Pubcycle shall at all times maintain an office or business location in the City of Asheville, and shall pay all City privilege license fees, and other taxes and fees associated with operation. Amazing Pubcycle shall designate an individual to be its agent for service of process in accordance with North Carolina law, and shall keep the City advised of any changes in said agent or its address.

12. Franchise Fee: The fee for the operation of this Franchise shall be $1.00 per day for each day of the term of the Franchise, payable in a lump sum on or before the date of operation of service.

13. Temporary Suspension/Modification: This Franchise and any of the terms and conditions thereof, including those relating to route, stops, and scheduling are subject to temporary suspension or modification by the City as necessary for the City to exercise and maintain control over its streets and public ways. The reasons for such action may include (by way of example and not limitation), the following: (a) closing of streets for repairs; (b) closing of streets for parades and festivals; (c) change in direction of one way streets; (d) changes in parking configuration. Any such action shall be within the City's sole discretion without recourse by Amazing Pubcycle. The City will endeavor to provide advance notice of such action, but shall not be bound to do so. Suspension or modification expected to be of more than 30 days duration will require amendment to this Ordinance.

14. Compliance with Laws: Peech Development, Inc. d/b/a Amazing Pubcycle shall comply with all applicable federal, state, and local laws in the operation of its business including, but not limited to, the City of Asheville open container ordinance, and the State of North Carolina Alcoholic Beverage Control (ABC) laws (i.e. NCGS 18B-401; NCGS 20-4.01 (27); NCGS 20-138.7; NCGS 138.2C).It has been determined that because the pubcycle/trolley bike will be licensed as a slow-moving vehicle, it does not, per se, conflict with the City's open container ordinance (Section 11-11). However, requirements of this

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ordinance must still be observed (i.e. passengers cannot leave the vehicle with an open container). Amazing Pubcycle shall also be responsible for obtaining all necessary licenses and permits including, but not limited to, ABC permits and licenses or permits from the NC Department of Transportation.

Section 2. All ordinances and clauses of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 11th day of December, 2012, on first reading and on the second and final reading on the 8th day of January, 2013.

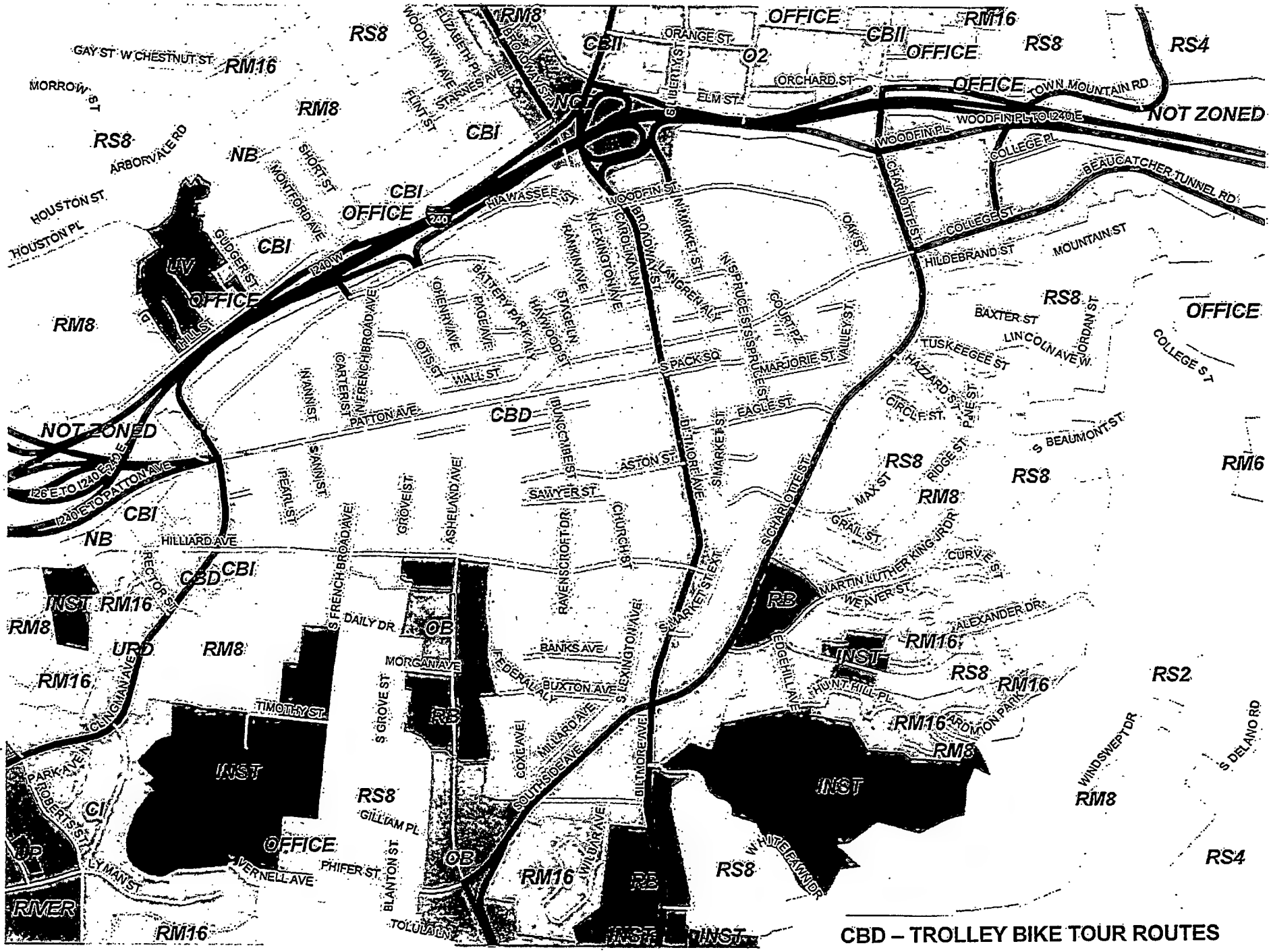
Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk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MORROW ST
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HOUSTON PL
GUDGER ST
HILL ST
UV
240
240W
HIAWASSEE ST
ORANGE ST
ORCHARD ST
ELM ST
TOWN MOUNTAIN RD
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BEAUCATCHER TUNNEL RD
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BAXTER ST
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CIRCLE ST
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RIDGE ST
MAX ST
GRAIL ST
MARTIN LUTHER KING JR DR
CURVE ST
WEAVER ST
ALEXANDER DR
HUNT HILL PL
ARDMON PARK
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WINDSWEPT DR
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O3
OB
CBD
URD
CI
WOODLAWN AVE
ELIZABETH PL
STANNES AVE
FLINT ST
BROADWAY ST
SHORT ST
MONTFORD AVE
BATTERY PARK AV
PAGE AVE
GLENN AVE
RANKIN AVE
STAGE LN
HAYWOOD ST
N LEXINGTON AVE
N CAROLINA LN
BROADWAY ST
N MARKET ST
LANGREN AV
N SPRUCE ST
COURT PL
OAK ST
VALLEY ST
S PACK SQ
MARJORIE ST
OTIS ST
HALL ST
N FRENCH BROAD AVE
CARTER ST
N ANNIST
PATTON AVE
EAGLE ST
BILTMORE AVE
S MARKET ST
ASTON ST
SAWYER ST
CHURCH ST
RAVENSCROFT DR
S FRENCH BROAD AVE
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GROVE ST
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FEDERAL ALY
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EDGEHILL AVE
S GROVE ST
TIMOTHY ST
CLINGMAN AVE
PARK AVE N
ROBERT ST
LYMAN ST
RIVER
IVERNELL AVE
PHIFER ST
BLANTON ST
GILLIAM PL
COXE AVE
MILLARD AVE
SOUTHSIDE AVE
WILDER AVE
TOLUCA LN
WHITEPAWN DR
CBD – TROLLEY BIKE TOUR ROUTES

Exhibit A

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ORDINANCE NO. 4150

ORDINANCE AMENDING ORDINANCE NO. 3461 GRANTING CONDITIONAL USE PERMIT FOR ELK MOUNTAIN SCENIC HIGHWAY, BEAVERDAM & WILD CHERRY (THOMS ESTATE SUBDIVISION)

WHEREAS, the City has the authority pursuant to N. C. Gen. Stat. 160A-381 to issue or amend conditional use permits; and

WHEREAS, on April 10, 2007, the City of Asheville adopted Ordinance No. 3461, issuing a Conditional Use Permit for the Thoms Estate; and

WHEREAS, the City Council conducted a public hearing on January 8, 2013, to consider an amendment of the Conditional Use Permit; and

WHEREAS, this ordinance is determined to be reasonable and in the public interest for the reasons set out in the Staff Report, and is further determined to be consistent with the City Comprehensive Plan for the reasons set out in the Staff Report;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The amendments to the Conditional Use Permit for the Thoms Estate be and the same are hereby, approved, as set forth in the Order attached hereto as Exhibit A.

Section 2. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 3. That if any section, subsection, clause or phrase of this ordinance is for any reason held to be invalid, then the entire ordinance shall likewise be invalid, and subject to modification or re-adoption as provided by law.

Section 4. This ordinance is enforceable as provided in the Asheville City Code, including Article XVIII of Chapter 7, and Sec. 1-5.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted this 8th day of January, 2013

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

Exhibit A

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

CITY OF ASHEVILLE
CITY COUNCIL
File No. 12 CUP _____

In the matter of:
Conditional Use Permit for property on
Elk Mountain Scenic Highway, Beaverdam &
Wild Cherry (Thoms Estate)

ORDER AMENDING
CONDITIONAL USE PERMIT

This matter coming on for public hearing before the Asheville City Council at its January 8, 2013, regular meeting, upon an application for an amendment to the Conditional Use Permit approved on April 10, 2007 (City ordinance No. 3461; herein "2007 CUP") to allow changes to common area amenities, secondary fire department access and architectural design changes for proposed single-family residences (herein "Project") to be located on 82.7 acres of land accessed from Elk Mountain Scenic Highway, Wild Cherry (herein "Subject Property"), and based on the information presented at the public hearing, the City Council makes the following findings and conclusions, and enters the following order:

FINDINGS

1. This public hearing was advertised on December 28, 2012 and January 4, 2013; the Subject Property was posted with signs, and notices were mailed to adjacent property owners within a 200 foot radius of the Subject Property. There were no objections based on a lack of notice.

2. The Project consists of the Thoms Estate, a 132 unit residential subdivision.

3. The Subject Property consists of a subdivision of approximately 82.72 acres located within the vicinity of Elk Mountain Scenic Highway, Tsali Trail, Beaverdam Road, and Wild Cherry Road, as shown on Exhibit A-1, attached hereto.

4. Except as modified by this Ordinance, Council hereby incorporates by reference the findings set out in the 2007 CUP as if fully set forth herein.

5. After approval of the 2007 CUP, construction on the Project began, but due to the economic situation, the Project went into foreclosure. Some infrastructure was completed while the Project was in foreclosure.

6. The 2007 CUP included amenities that were more typical of higher end subdivisions. The current owner is proposing an onsite alternative to the secondary fire department access and to scale back some of the common area amenities.

7. The 2007 CUP required that a cross access agreement be executed between the Thoms property and the property retained by Selene Thoms (Thomsland Inc.) for fire access purposes. The revised request includes a redesigned road system that provides direct, onsite access to Phase III B and IV. This request has been reviewed and approved by the Fire Marshal's office.

8. Home plans for the Project are to be prepared by registered, licensed architects utilizing the European Cottage/Manor Style of residence construction including extensive use of stone, brick and exposed timbers, as well as other architectural styles common in the neighborhoods of North Asheville. Typical styles are included in the conceptual plan attached as Exhibit A-2.

9. The 2007 CUP provided for the following features, which are now proposed to be eliminated or modified as indicated:

a) The Manor House and gardens were proposed to be restored and used as a community/fitness center and include a pool. The developer found the home to be in very poor condition, making it financially prohibitive to restore for this purpose. The revised request proposes to demolish the existing Manor House and construct a small community pavilion, gardens, fire pits, walking paths, playground, soccer field, basketball court and horseshoe pits.

b) A museum was to be provided in one of the historic structures on the property (Manor House or Killian House). In lieu of this requirement, a memorial garden featuring a statute of Harold Thoms and plaques to highlight his contributions to the City of Asheville will be installed.

c) An existing barn and stone silo were to be adaptively reused/transformed into a community pavilion. The barn was previously demolished without approval by the original developer, and the silo was deemed unsafe by a consulting structural engineer and is now proposed to be demolished. The remaining stone is proposed to be reused to construct the fire pits.

d) A conservatory was originally required to be provided; the revised proposal eliminates this feature.

e) A sidewalk was required to be constructed along Beaverdam Road. In lieu of this requirement, a paved walking trail will be constructed to link the bus shelter to the proposed greenway connection along Beaverdam Creek. The trail along Beaverdam Creek will be constructed to meet greenway standards in order to accommodate future greenway expansion.

f) A small parking area is now proposed in the vicinity of the community pavilion and in lieu of the parking area near the stone silo, a small looping trail is proposed.

10. The City's Technical Review Committee has reviewed the Project, and no significant issues of non-compliance were noted. The TRC Report and Staff Report presented at the public hearing are incorporated herein and made a part of these findings.

11. The conceptual site plans are attached hereto as Exhibit A-2, incorporated herein by reference, and made a part of these findings.

Based on the findings set forth above, the City Council makes the following jurisdictional conclusions and conditional use determinations:

JURISDICTIONAL CONCLUSIONS

1. Notice of the public hearing on this matter was provided as required by statute and ordinance, and this matter is properly before the City Council.

2. This application is being reviewed as a Level III conditional use pursuant to UDO Sec. 7-5-5, and 7-16-2(b)(2).

CONDITIONAL USE DETERMINATIONS

If the Project is developed in accordance with the approved conceptual site plan as amended and elevation drawings, made a part hereof, and in accordance with the conditions set forth below, the Project will satisfy the standards for conditional uses specified in City Code Sec. 7-16-2(c), and set out below. Council's determination is based on all the facts found above, and summarized below following each standard.

1. That the proposed use or development of the land will not materially endanger the public health or safety.

   The Project will meet all public health and will be reviewed in detail by the Technical Review Committee to ensure compliance with safety requirements.

2. That the proposed use or development of the land is reasonably compatible with significant natural or topographic features on the site and within the immediate vicinity of the site given the proposed site design and any mitigation techniques or measures proposed by the applicant.

   The majority of the infrastructure for the first three phases of the Project has been completed and the remaining infrastructure for the first three phases of the Project has been completed and the remaining infrastructure and landscaping that has not been installed is covered by a valid letter of credit.

3. That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property.

   The proposed residential use is compatible with the surrounding residential neighborhood and will not injure the value of nearby properties. Completing the remaining subdivision infrastructure and remaining two phases of the Project is expected to benefit the neighborhood and bring closure to a project that has been under some level of construction since 2007.

4. That the proposed use or development or the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located.

   The completion of a single-family residential subdivision is compatible with surrounding land uses that are similar in scale and density with this project.

5. That the proposed use or development of the land will generally conform to the comprehensive plan, smart growth policies, sustainable economic development strategic plan and other official plans adopted by the City.

   This amendment was submitted with the goal of providing more realistic common amenities to residents of the Thoms Estate.

6. That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.

   The TRC and City Staff noted no issues or concerns related to this condition, location and service availability are unchanged from the 2007 CUP.

7. That the proposed use will not cause undue traffic congestion or create a traffic hazard.

   There is no traffic congestion or traffic hazard anticipated.

Based on the findings set forth above, the City Council makes the following jurisdictional conclusions and conditional use determinations:

JURISDICTIONAL CONCLUSIONS

1. Notice of the public hearing on this matter was provided as required by statute and ordinance, and this matter is properly before the City Council.

2. This application is being reviewed as a Level III conditional use pursuant to UDO Sec. 7-5-5, and 7-16-2(b)(2).

On the basis of the above findings and conclusions, the Asheville City Council grants the application for the amendment to the Conditional Use Permit for the Project, subject to the following conditions:

1. The Project shall comply with all conditions outlined in the TRC staff report.

2. All site lighting must comply with the City's Lighting Ordinance and be equipped with full cut-off fixtures and directed away from adjoining properties and streets. A detailed lighting plan will be required upon submittal of detailed plans to be reviewed by the Technical Review Committee.

3. All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape and grading plans.

4. The building design, construction materials and orientation on site must comply with the conceptual site plan and building elevations presented with the application for this Project, and attached hereto.

5. Any deviation from these plans may result in reconsideration of the Project by the reviewing boards.

6. This Project will undergo final review by the TRC prior to issuance of any required permits.

These conditions shall be binding on the Applicant, and any successors in interest.

Read, approved and adopted this the 8th day of January, 2013.

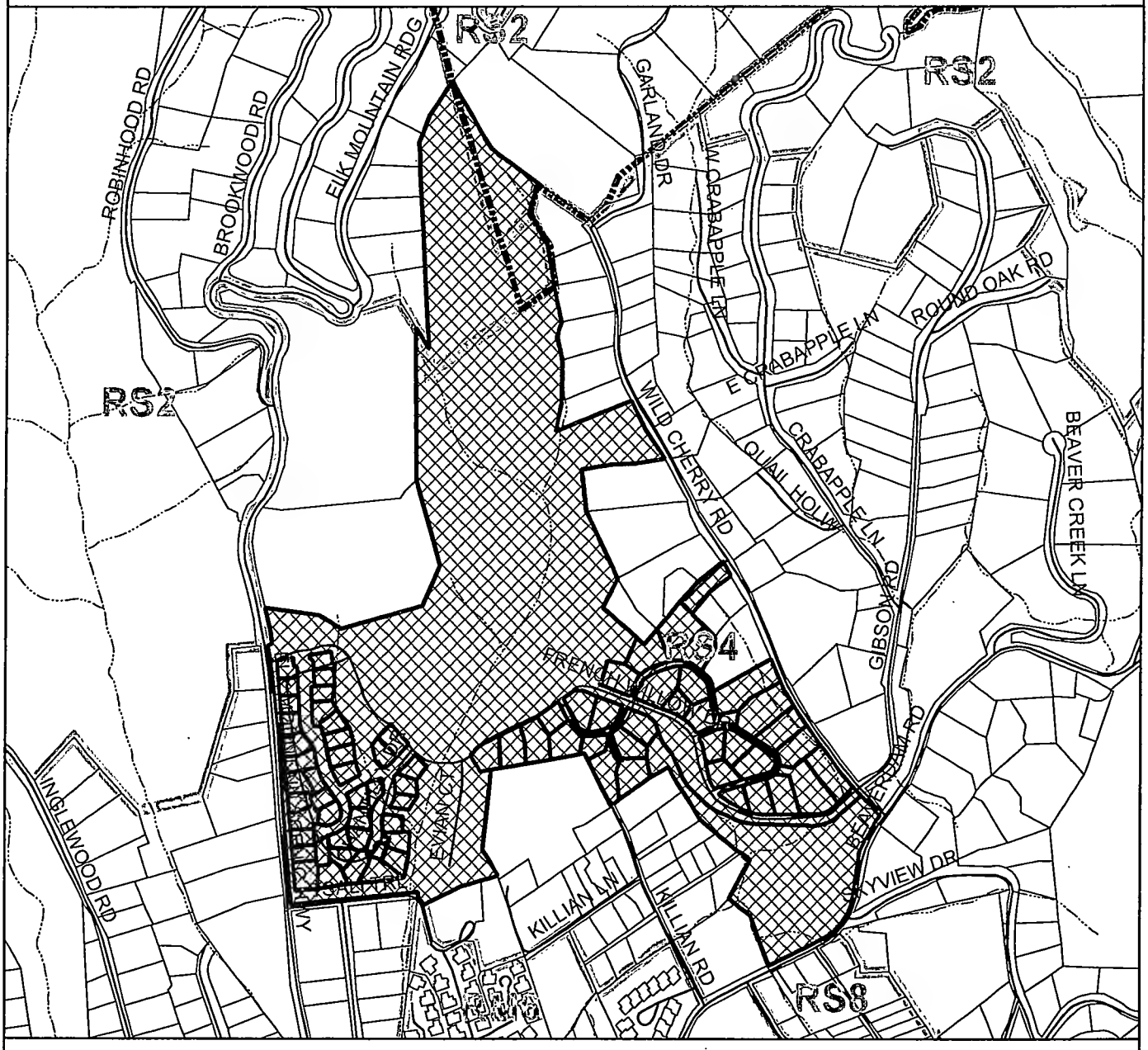
Magdalen Bullerson
City Clerk

Mayor

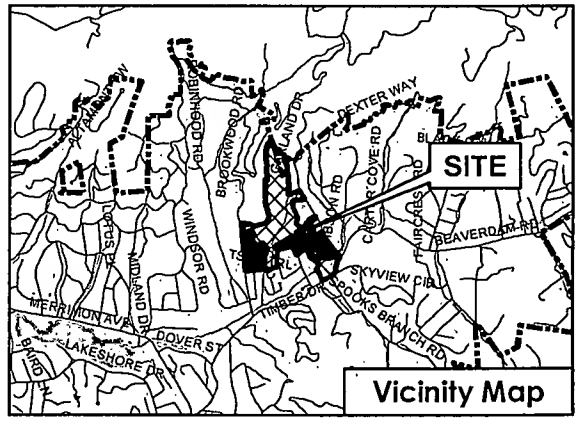
Approved as to form:

City Attorney

City of Asheville - Exhibit A Map
CUP Amendment



Project Name:	Thoms Estate
Project Number:	CUP 12-35-003
Project Description:	CUP Amendment
Petitioner(s):	Gated Comms. of Asheville, LLC
Parcel ID Number(s):	Multiple PIN #'s
Location/Address:	Elk Mountain Scenic Hwy.



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Development Department - November 21, 2012

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Exhibit A-2

THE THOMS ESTATE - CUP REVISIONS

CONCEPTUAL PLANS

ASHEVILLE, NORTH CAROLINA

NOTES

PROJECT INFORMATION:

1. PROJECT ADDRESS: 75 ELK MOUNTAIN SCENIC HWY, ASHEVILLE NC
2. TOTAL ACREAGE: 62.38
3. TOTAL DISTURBED ACREAGE: 21.4 ACRES (23.92)
4. PROJECT PIN NUMBERS: 9740-77-0464
5. PROJECT LOCATION: LAT: 35°-36' 30"N LON: -82° 33' 49"W.
6. EXISTING TOPOGRAPHICAL INFORMATION SHOWN WAS PROVIDED BY BROOKS ENGINEERING ASSOCIATES, PA.
7. EXISTING BOUNDARY INFORMATION SHOWN WAS PROVIDED BY BROOKS ENGINEERING ASSOCIATES, PA.
8. EXISTING ROADS, UTILITIES, AND INFRASTRUCTURE SHOWN AS DELINEATED BY: YES-COLE SURVEYING, PA.
9. STORMWATER PERMIT: SF# ____
10. THIS PROJECT IS A PLANNED COMMUNITY ESTABLISHED PURSUANT TO N.C.G.S. CHAPTER 47F, AND DEVELOPMENT AND CONVEYANCE OF UNITS IN THE PLANNED COMMUNITY ARE GOVERNED BY N.C.G.S. CHAPTER 47F.
11. SIDEWALKS SHALL BE AVAILABLE TO THE GENERAL PUBLIC.
12. MSD PROJECT #: ____

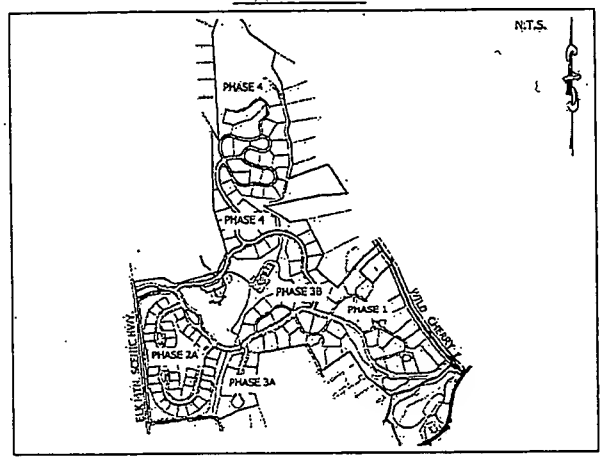
GENERAL NOTES:

1. CONTRACTOR SHALL PROTECT ADJACENT PROPERTIES, THE GENERAL PUBLIC AND ALL OF THE OWNER'S FACILITIES AND SHALL BE RESPONSIBLE FOR THE REPAIR OF ALL DAMAGES WHICH OCCUR DURING CONSTRUCTION.
2. LOCATION OF ALL EXISTING UTILITIES, AS SHOWN HEREON, ARE APPROXIMATE ONLY. NO GUARANTEE IS MADE OR IMPLIED BY THE LOCATION REFLECTED IN THE PLANS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE TYPE, SIZE AND LOCATION OF ALL UTILITIES AND OTHER FEATURES WHICH MAY AFFECT CONSTRUCTION OR THE INTENDED FUNCTION OF THE DESIGN. CONTRACTOR SHALL NOTIFY DESIGNER PRIOR TO CONSTRUCTION IF EXISTING CONDITIONS DIFFER FROM THAT INDICATED IN THE PLANS.
3. ALL WORK IN THE NCDOT RIGHT-OF-WAY TO BE DONE IN ACCORDANCE WITH NCDOT SPECIFICATIONS AND STANDARDS, WHERE APPLICABLE.
4. CONTRACTOR TO PROVIDE INLET PROTECTION AT EACH PIPE INLET AS STORM SYSTEM IS CONSTRUCTED.
5. ALL GRADING, EROSION CONTROL AND STORMWATER OPERATIONS AND INSTALLATIONS MUST BE DONE IN ACCORDANCE WITH THE THE CITY OF ASHEVILLE STANDARD SPECIFICATIONS AND DETAILS.
6. NO STREAM OR WETLAND DISTURBANCE SHALL OCCUR WITHOUT A ARMY CORPS OF ENGINEERS PERMIT.
7. A PRECONSTRUCTION MEETING BETWEEN THE OWNER, THE CONTRACTOR, AND THE DESIGN ENGINEER SHALL BE CONDUCTED PRIOR TO THE START OF ANY CONSTRUCTION ACTIVITIES.
8. THE ESCAPE OF SEDIMENT FROM THE SITE SHALL BE PREVENTED BY THE INSTALLATION OF EROSION CONTROL MEASURES AND PRACTICES PRIOR TO, OR CONCURRENT WITH, LAND DISTURBING ACTIVITIES.
9. EXCESS CUT MATERIAL DEVELOPED IN THE CONSTRUCTION OF THIS SITE SHALL BE DISPOSED OF IN AN APPROPRIATELY PERMITTED SPOIL SITE. CONTRACTOR TO PROVIDE PROOF OF PERMITS PRIOR TO CONSTRUCTION.
10. ANY ALTERATION TO THE PLANS MUST BE APPROVED BY THE PROJECT ENGINEER AND THE CITY OF ASHEVILLE OR OTHER APPROPRIATE AGENCY PRIOR TO THE COMMENCEMENT OF WORK.
11. THE CONTRACTOR SHALL OBTAIN, AND PAY FOR, PRIOR TO BEGINNING ANY WORK, ALL PERMITS AND LICENSES NECESSARY TO ACCOMPLISH THE WORK.
12. CONTRACTOR(S) SHALL BE RESPONSIBLE FOR ADEQUATE SUPERVISION TO PREVENT DAMAGE AND MOVEMENT FROM EQUIPMENT WORKING AROUND CONSTRUCTION STAKES. THESE CONSTRUCTION STAKES SHALL REMAIN IN PLACE AND BE PROTECTED UNTIL OWNER APPROVES THEIR REMOVAL. ANY STAKES THAT HAVE BEEN DISPLACED AS A RESULT OF CONSTRUCTION ACTIVITY ARE TO BE REPLACED BY A LICENSED LAND SURVEYOR ENGAGED BY THE CONTRACTOR AT NO COST TO THE OWNER.
13. THE ENGINEER WILL NOT BE CONTINUOUSLY PRESENT IN THE FIELD. IT IS SPECIFICALLY UNDERSTOOD THAT HE DOES NOT UNDERTAKE NOR ASSUME ANY OBLIGATION FOR SUPERVISION OF CONSTRUCTION, SAFETY MEASURES TAKEN DURING THE COURSE OF CONSTRUCTION, RESPONSIBILITY FOR SCHEDULING THE WORK FOR INSURING COMPLETE COMPLIANCE WITH THE CONTRACT DOCUMENTS AND/OR ALL CODE REQUIREMENTS, RULES AND REGULATION OF ANY PUBLIC OR PRIVATE AUTHORITY HAVING JURISDICTION OVER THE WHOLE OR ANY PART OF THE WORK. IN ADDITION, THE ENGINEER NEITHER UNDERTAKES, ASSUMES, NOR GUARANTEES THE WORK AND/OR PERFORMANCE OF THE CONTRACTOR.

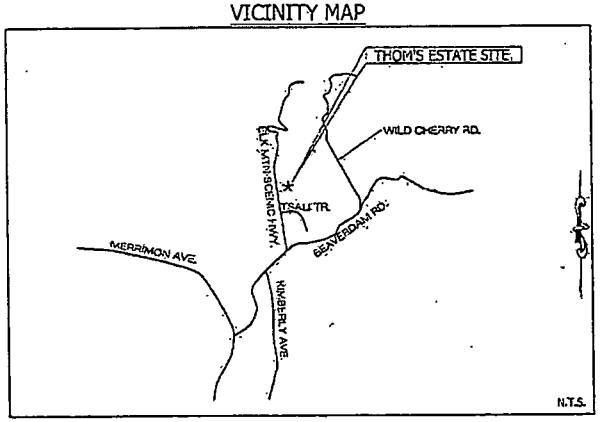
INSPECTION SCHEDULE:

1. NO CONSTRUCTION SHALL COMMENCE PRIOR TO A PRECONSTRUCTION MEETING WITH THE PROJECT ENGINEER, THE CONTRACTOR, AND A REPRESENTATIVE OF THE CITY OF ASHEVILLE.
2. NO EQUIPMENT SUBSTITUTION SHALL BE MADE WITHOUT MANUFACTURER(S) AND PROJECT ENGINEER'S APPROVAL.
3. FINAL INSPECTION SHALL COMMENCE AFTER SITE STABILIZATION.

PROJECT MAP



VICINITY MAP



PROJECT INFO

OWNER / DEVELOPER:	CONTACT INFO:
GATED COMMUNITIES OF ASHEVILLE, LLC	CONTACT: KEVIN REESE P: 704-287-5121 EMAIL: kevin.reese@parkhomes.net
ENGINEER:	**CONTACT INFO:**
BROOKS ENGINEERING ASSOCIATES, PA	CONTACT: JOHN KINNAIRD, PE 17 ARLINGTON STREET ASHEVILLE, NC 28801 P: 828-232-4700 EMAIL: jkinnaird@brooksea.com
SURVEYOR:	**CONTACT INFO:**
BROOKS ENGINEERING ASSOCIATES, PA	CONTACT: PAUL SEXTON, PLS 17 ARLINGTON STREET ASHEVILLE, NC 28801 P: 828-232-4700 EMAIL: psexton@brooksea.com
LANDSCAPE PLANNER:	**CONTACT INFO:**
LAND PLANNING COLLABORATIVE	CONTACT: BOB GRASSO 17 ARLINGTON STREET ASHEVILLE, NC 28801 P: 828-253-3606

SHEET INDEX

SHEET NO.:	SHEET TITLE
CS-0	COVER SHEET
A-1	PAVILION ELEVATIONS
A-2	TYPICAL HOUSE STYLES
MP-1	MASTER PLAN
EX-1	PAVILION AREA EXISTING CONDITIONS / DEMO PLAN
S-1	PAVILION AREA CONCEPTUAL SITE LAYOUT, MATERIALS AND ZONING PLAN

No.	Issues/Submissions	Date
1	CONCEPT PLAN SUBMITTAL TO C.O.A.	10-19-12

PERMIT SET - NOT FOR CONSTRUCTION

BROOKS ENGINEERING ASSOCIATES

17 Arlington Street, Asheville, NC 28801
Phone: 1-828-232-4700
Fax: 1-828-232-1331
www.brooksea.com

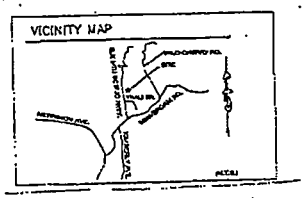
Planning · Engineering · Surveying
· Environmental Services ·

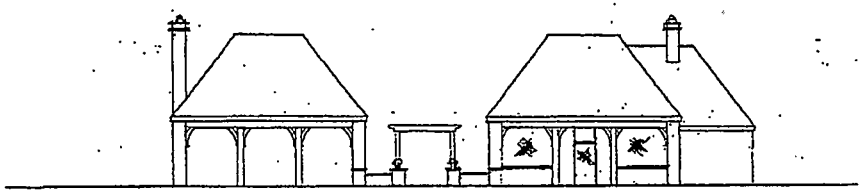
THE THOMS ESTATE
CUP REVISIONS
CONCEPTUAL PLANS
ASHEVILLE NORTH CAROLINA

Project No: 208112
Drawn by: DAS-0
Title: COVER SHEET

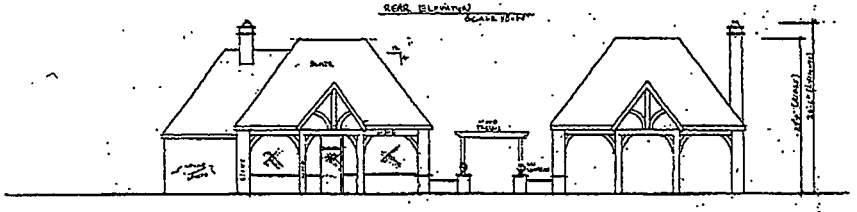
RECEIVED
OCT 10 2012
TRC

BP 12-5631
PZ 12-35-003





REAR ELEVATION



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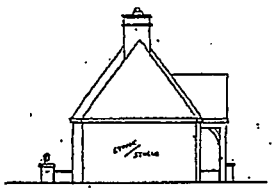
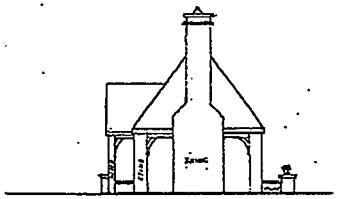
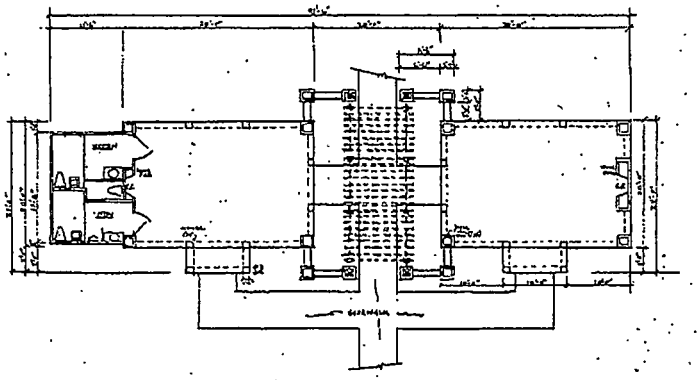


LEFT ELEVATION



RIGHT ELEVATION



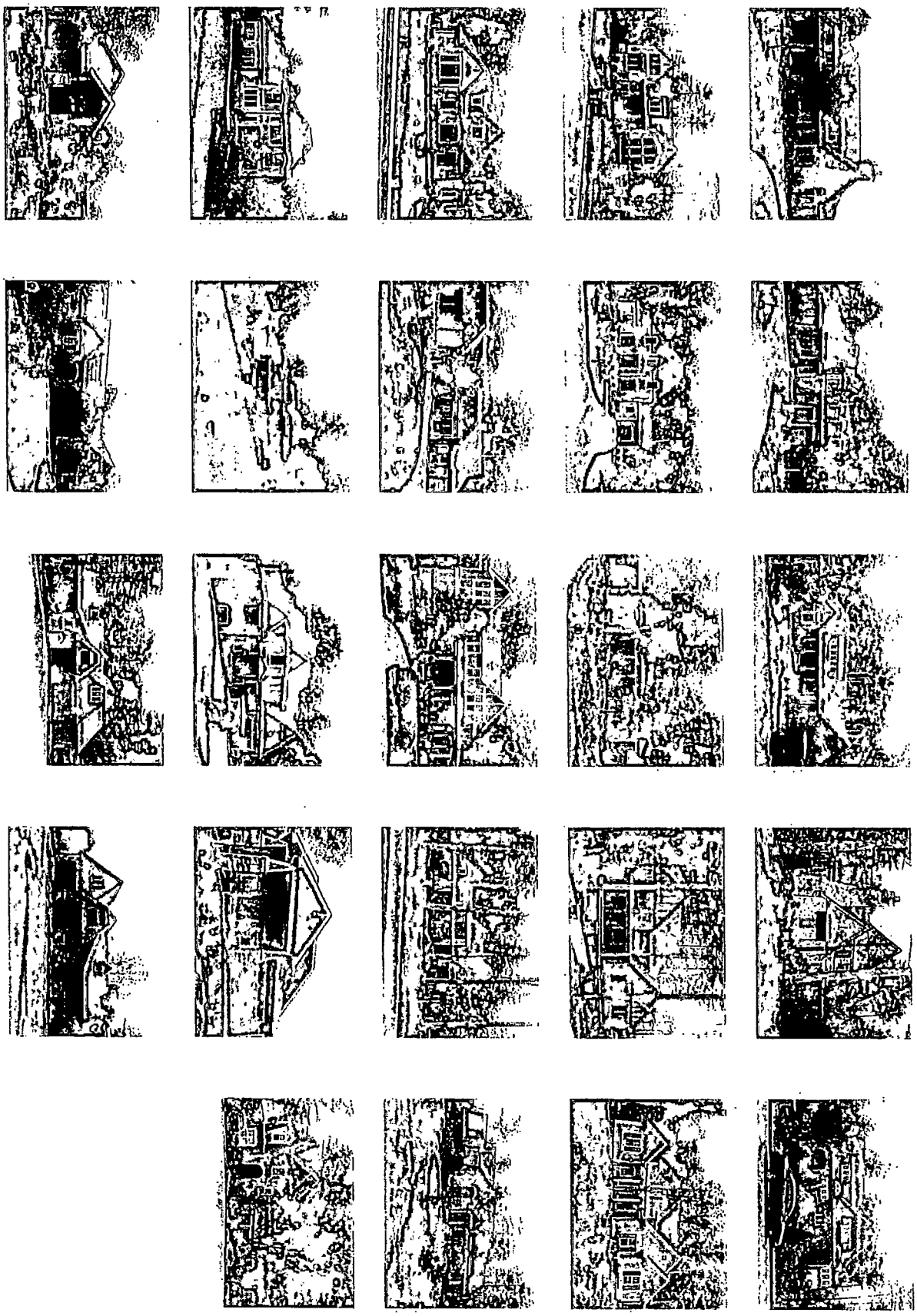
FLOOR PLAN

PROJECT INFORMATION

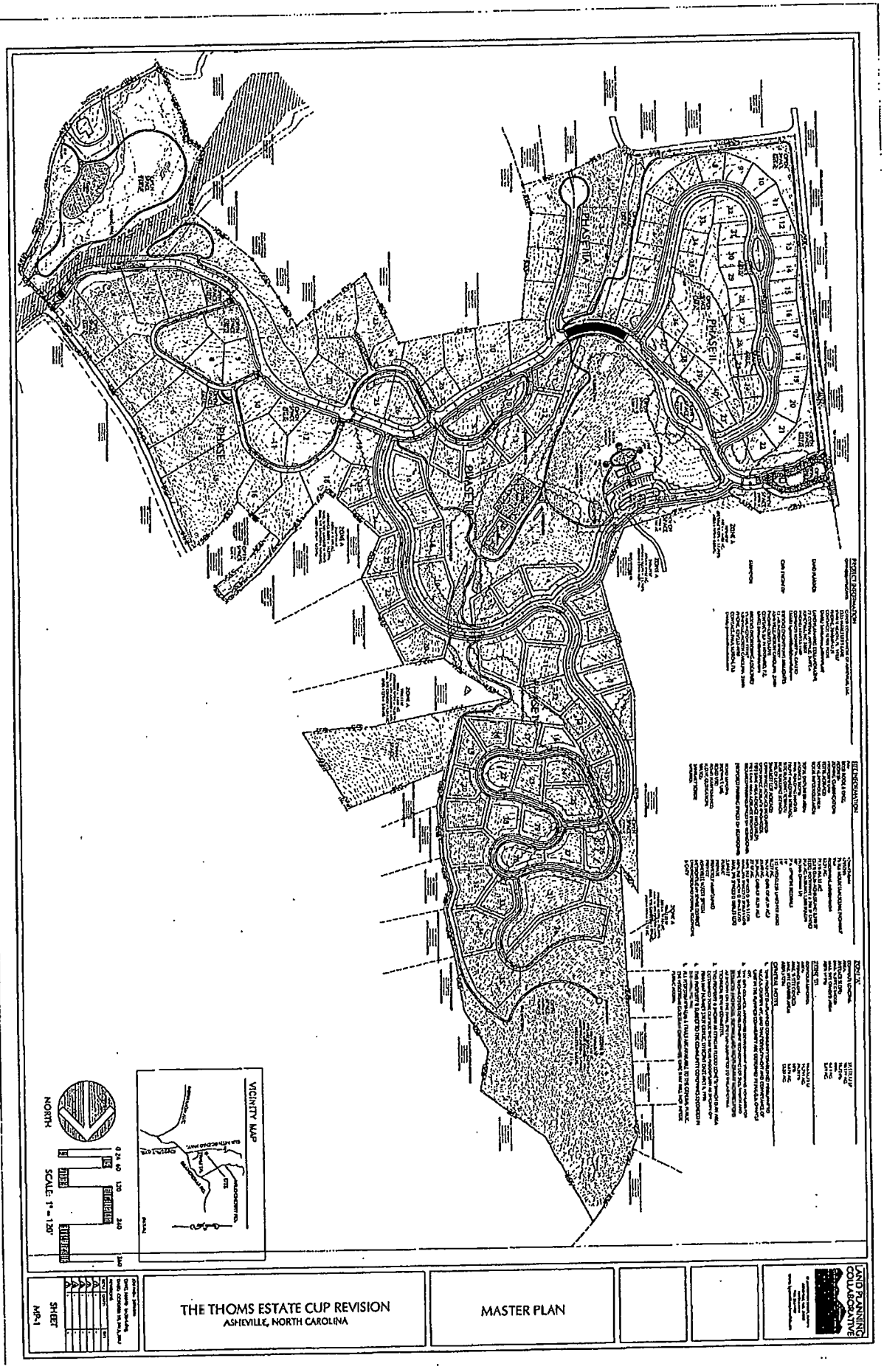
SITE INFORMATION

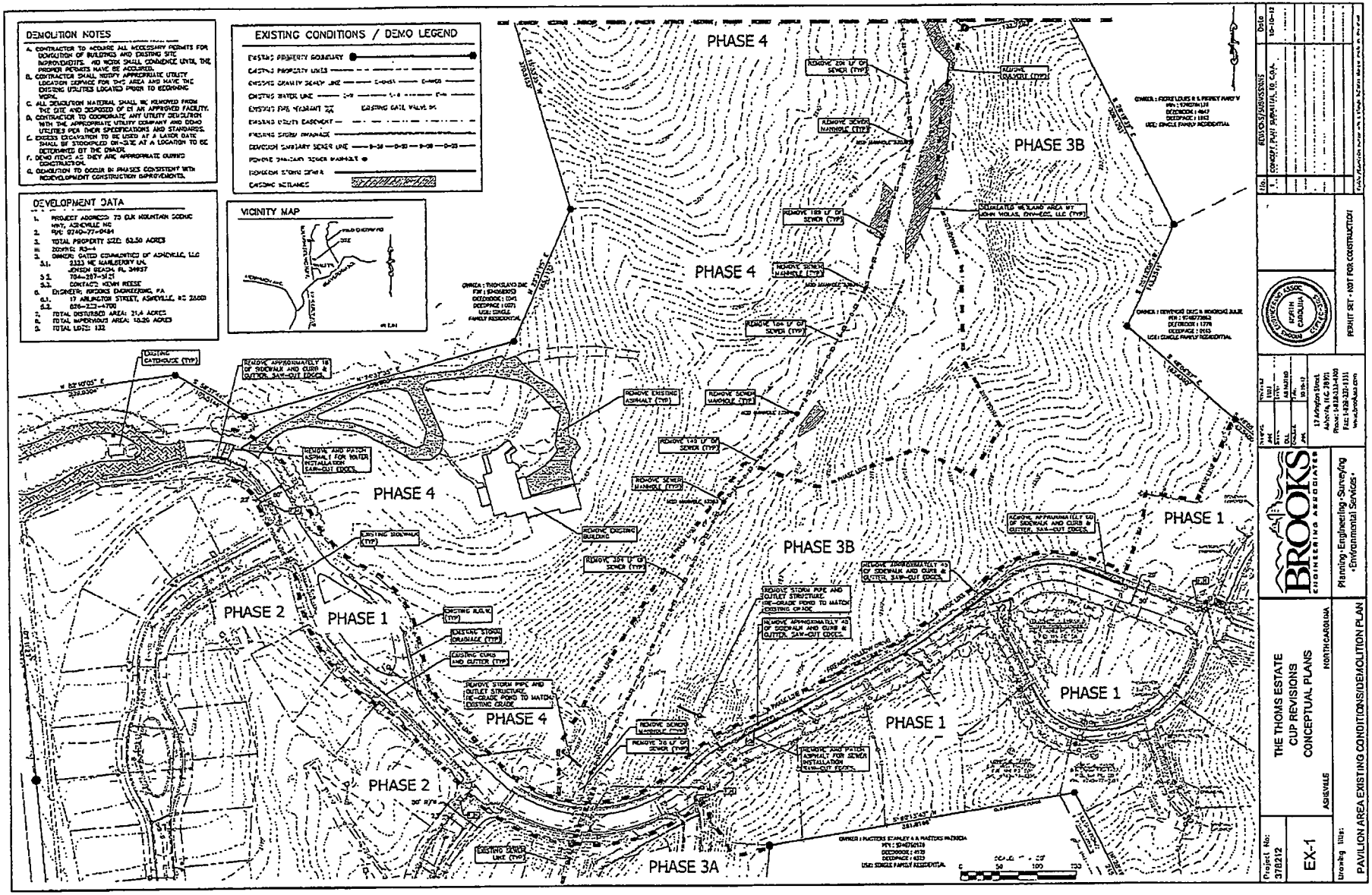
REVISIONS	BY

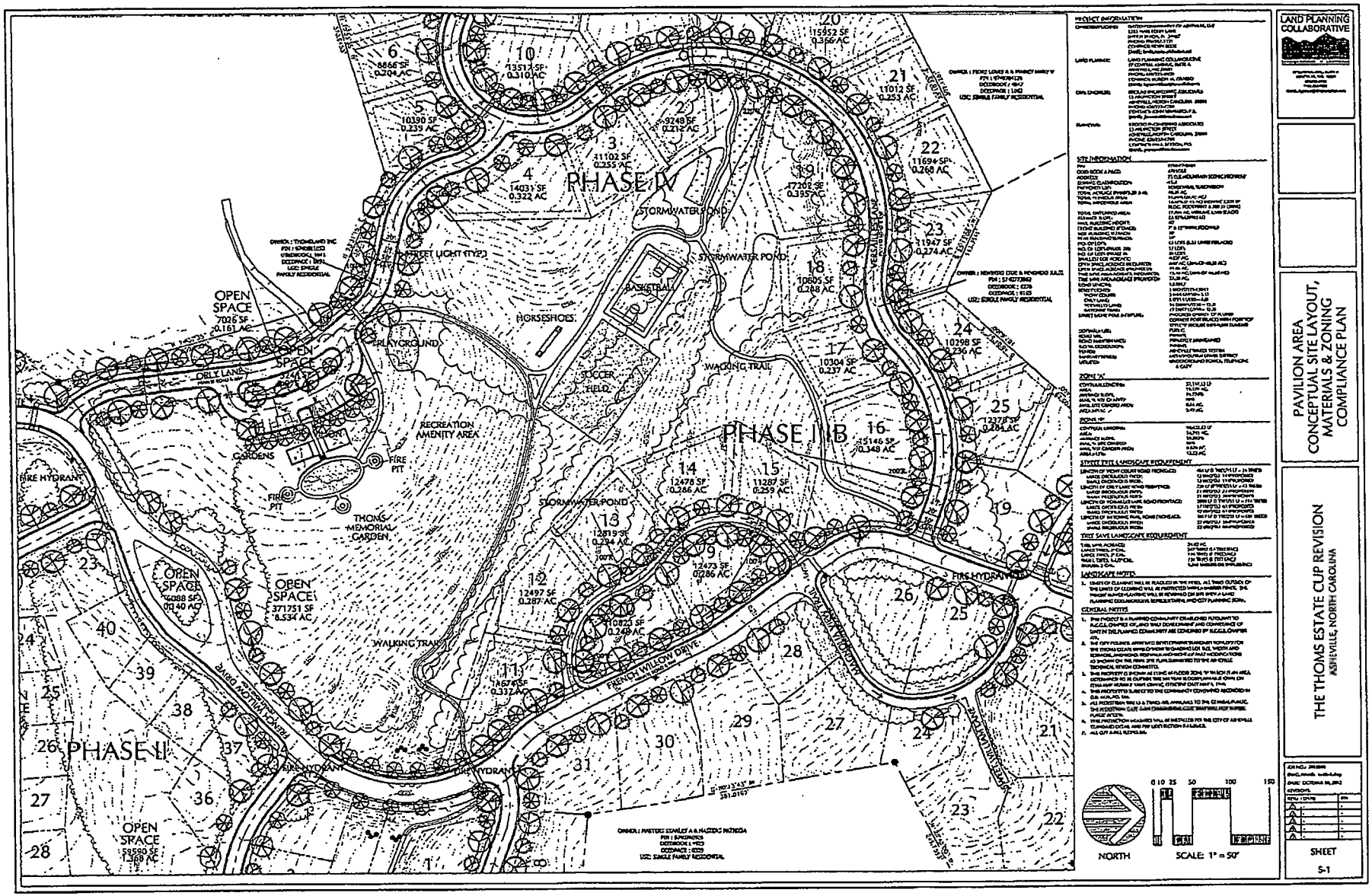
Date Sept. 2013
Scale 1/8"=1'-0"
Drawn R.E.
Job
Sheet A-1
Of Sheets



SHEET					
A-2	THE THOMS ESTATE CUP REVISION ASHEVILLE, NORTH CAROLINA	TYPICAL HOUSE STYLES			LAND PLANNING COLLABORATIVE


PHASE III
PHASE II
PHASE I
VICINITY MAP
NORTH
SCALE: 1" = 120'
0 24 60 120 240
THE THOMS ESTATE CUP REVISION
ASHEVILLE, NORTH CAROLINA
MASTER PLAN
SHEET
MP-1
LAND PLANNING
COLLABORATIVE


DEMOLITION NOTES
A. CONTRACTOR TO ACQUIRE ALL NECESSARY PERMITS FOR DEMOLITION OF BUILDINGS AND EXISTING SITE IMPROVEMENTS. NO WORK SHALL COMMENCE UNTIL THE PROPER PERMITS HAVE BEEN ACQUIRED.
B. CONTRACTOR SHALL NOTIFY APPROPRIATE UTILITY LOCATION SERVICE FOR THIS AREA AND HAVE THE EXISTING UTILITIES LOCATED PRIOR TO BEGINNING WORK.
C. ALL DEMOLITION MATERIAL SHALL BE REMOVED FROM THE SITE AND DISPOSED OF AT AN APPROVED FACILITY.
D. CONTRACTOR TO COORDINATE ANY UTILITY DEMOLITION WITH THE APPROPRIATE UTILITY COMPANY AND DEMO UTILITIES PER THEIR SPECIFICATIONS AND STANDARDS.
E. EXCESS EXCAVATION TO BE USED AT A LATER DATE. SHALL BE STOCKPILED ON-SITE AT A LOCATION TO BE DETERMINED BY THE OWNER.
F. DEMO ITEMS AS THEY ARE APPROPRIATE DURING CONSTRUCTION.
G. DEMOLITION TO OCCUR IN PHASES CONSISTENT WITH REDEVELOPMENT CONSTRUCTION IMPROVEMENTS.
EXISTING CONDITIONS / DEMO LEGEND
EXISTING PROPERTY BOUNDARY
EXISTING PROPERTY LINES
EXISTING GRAVITY SEWER LINE
EXISTING WATER LINE
EXISTING FIRE HYDRANT
EXISTING GATE VALVE
EXISTING UTILITY EASEMENT
EXISTING STORM DRAINAGE
DEMOLISH SANITARY SEWER LINE
REMOVE SANITARY SEWER MANHOLE
DEMOLISH STORM SEWER
EXISTING WETLANDS
DEVELOPMENT DATA
1. PROJECT ADDRESS: 73 OLD MOUNTAIN SODOM HWY, ASHEVILLE NC
2. PIN: 9740-77-9484
3. TOTAL PROPERTY SIZE: 63.50 ACRES
4. ZONING: RS-4
5. OWNER: GATED COMMUNITIES OF ASHEVILLE, LLC
5.1. 3323 NE 163RD STREET LN, JUNSON BEACH, FL 34957
5.2. 704-287-9151
5.3. CONTACT: KEVIN REESE
6. ENGINEER: ROBBINS ENGINEERING, PA
6.1. 17 ARLINGTON STREET, ASHEVILLE, NC 28801
6.2. 828-225-4708
7. TOTAL DISTURBED AREA: 21.4 ACRES
8. TOTAL IMPERVIOUS AREA: 10.26 ACRES
9. TOTAL LOTS: 132
VICINITY MAP
PHASE 4
PHASE 3B
PHASE 1
PHASE 2
PHASE 3A
REMOVE 204 LF OF SEWER (TYP)
REMOVE SEWER MANHOLE (TYP)
REMOVE 189 LF OF SEWER (TYP)
REMOVE 104 LF OF SEWER (TYP)
REMOVE 148 LF OF SEWER (TYP)
REMOVE 201 LF OF SEWER (TYP)
REMOVE 38 LF OF SEWER (TYP)
REMOVE EXISTING ASPHALT (TYP)
REMOVE EXISTING BUILDING
REMOVE AND PATCH ASPHALT FOR WATER INSTALLATION SAW-CUT EDGES
REMOVE APPROXIMATELY 10 OF SIDEWALK AND CURB & GUTTER, SAW-CUT EDGES
REMOVE APPROXIMATELY 40 OF SIDEWALK AND CURB & GUTTER, SAW-CUT EDGES
REMOVE STORM PIPE AND OUTLET STRUCTURE, RE-GRADE POND TO MATCH EXISTING GRADE
REMOVE PATCH ASPHALT FOR SEWER INSTALLATION SAW-CUT EDGES
EXISTING CATCHBASIN (TYP)
EXISTING SIDEWALK (TYP)
EXISTING CURB AND GUTTER (TYP)
EXISTING SEWER LINE (TYP)
EXISTING GATEHOUSE (TYP)
PHASE LINE
OWNER: THOMSLAND INC
OWNER: FIORE LOUIS R & PEGGY PATT V
OWNER: DEVENCO DEC & MENDOZA JULIE
OWNER: FACTORS STANLEY & FACTORS PATRICIA
CONSULTANTS WETLAND AREA BY: JOHN VIOLAS, ENV+ECO, LLC (TYP)
USE: SINGLE FAMILY RESIDENTIAL
SCALE: 1" = 50'
0 50 100 150
No. REVISIONS/ISSUANCES Date
1. COMMENT/PART APPROVAL TO CAA 10-10-12
PERMIT SET - NOT FOR CONSTRUCTION!
BROOKS ENGINEERING ASSOCIATES
17 Arlington Street
Asheville, NC 28801
Phone: 828-225-4708
Fax: 828-225-1111
www.brooksnc.com
Planning • Engineering • Surveying
• Environmental Services •
THE THOMS ESTATE
CUP REVISIONS
CONCEPTUAL PLANS
ASHEVILLE NORTH CAROLINA
Project No: 370212
EX-1
Drawing Title:
PAVILION AREA EXISTING CONDITIONS/DEMOLITION PLAN


PHASE IV
PHASE III B
PHASE II
STORMWATER POND
STORMWATER POND
STORMWATER POND
OPEN SPACE 7026 SF 0.161 AC
OPEN SPACE 8971 SF 0.206 AC
OPEN SPACE 371751 SF 8.534 AC
OPEN SPACE 16088 SF 0.369 AC
OPEN SPACE 59590 SF 1.368 AC
PLAYGROUND
BASKETBALL
HORSESHOES
SOCCER FIELD
WALKING TRAIL
RECREATION AMENITY AREA
GARDENS
FIRE PIT
FIRE PIT
THOMS MEMORIAL GARDEN
FIRE HYDRANT
FIRE HYDRANT
FIRE HYDRANT
FIRE HYDRANT
STREET LIGHT (TYP.)
ORLY LANE
WALKING TRAIL
FRENCH WILLOW DRIVE
PARK VIEW DRIVE
PARK VIEW DRIVE
DAVID TIMOTHY COURT
NORTH
SCALE: 1" = 50'
LAND PLANNING COLLABORATIVE
PAVILION AREA CONCEPTUAL SITE LAYOUT, MATERIALS & ZONING COMPLIANCE PLAN
THE THOMS ESTATE CUP REVISION
ASHEVILLE, NORTH CAROLINA
SHEET
S-1

ORDINANCE NO. 4151

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO REMOVE AN OUTDOOR SPEAKER BAN IN THE CBD AND RIVER DISTRICTS

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, a ban on outdoor speakers has been in place for eating and drinking establishments in the central business district and river district for a number of years; and

WHEREAS, there have been few noise complaints regarding eating drinking establishments many of whom employ open storefront windows onto the sidewalk and outdoor dining areas; and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. the amendment supports the continued vitality of the Central Business District and the River District
b. the amendment has been endorsed by the Downtown Commission and the River Arts District Business Association
c. the proposed change was reviewed with ordinances from other benchmark cities and was found to be comparable with most of them.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Chapter 7 of the Asheville City Code be amended as follows:

a. By amending section 7-16(c)(29)(b)(2) to read:

"2. No outdoor speakers systems (except for the Central Business District and River), shall be permitted. "

b. By revising Section 7-16(c)(43)(a)(2) to read:

"2. No outdoor speaker systems (except for the Central Business District) shall be permitted."

Section 2. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. This ordinance is enforceable as provided in the Asheville City Code, including Article XVIII of Chapter 7, and Sec. 1-5.

Section 5. This ordinance is effective upon adoption.

Read, approved, and adopted this 8th day of January, 2013.

Magdalen Bullerson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullerson
City Clerk

ORDINANCE NO. 4152

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO PROVIDE MINOR CHANGES THE REGULATIONS FOR MOBILE FOOD VENDING, LIMITING VENDING ACTIVITY IN BILTORE VILLAGE AND EXPANDING THE HOURS OF OPERATION FOR PUSHCART VENDORS

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. Provides opportunity for new business activity; and
b. Allows an ordinance to remain up to date to current standards and practices; and
c. Moves to balance business enterprise with maintaining the special character of a key area of the city; and
d. Allows the City code to adjust to community interests

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Chapter 7 of the Asheville Code of Ordinances be amended as follows:

a. By revising Section 7-2-5 to revise the existing definition of 'mobile food vendor' as follows;

"*mobile food vendor* means an individual who owns and operates a vehicle (truck or trailer with a maximum of two axles) that includes a mobile kitchen or similar facility that supports the sale and/or preparation of food and non-alcoholic beverages which is licensed and approved to walk-up customers. Use of the term *mobile kitchen* in the ordinance will be understood to include mobile kitchens and similar facilities."

b. By amending section 7-14-2(d)(3)(e) by replacing the current introductory language with the following paragraph with the enumerated standards being unchanged:

"e. Temporary mobile food sales. Temporary mobile food vendors, pushcarts or stands may be allowed in all non-residential districts *except* for: the downtown area Central Business District corresponding to the Downtown Design Review Overlay District and the Biltmore Village Historic District; provided that uses/structures for mobile food sales are complaint with the following standards."

c. Section 7-16-1(c)(44)(b)2(c.) is revised and amended as follows:

"The number of permits issued for individual mobile kitchens in the downtown Central Business District will be limited to **ten** and in the Biltmore Village Historic District to **two**. No individual person may secure more than one permit for a single mobile kitchen. In this district vendors may operate from multiple locations subject to the ability to meet other permitting requirements. Because the number of permits is limited in these districts, vendors who secure a mobile food vending permit and fail to operate within 30 days of issuance of the permit shall have their permit revoked"

d. Section 7-16-1(c)(44)(b)2e is revised and amended as follows:

"A copy of the valid, approved permit and health inspection grade card from the Buncombe County Health Department and the City of Asheville shall be visually displayed on the mobile kitchen in clear view of all patrons."

e. Section 7-16-1(c)(44)(d)4 is revised and amended as follows:

"Aside from festivals or special events that are administered under separate permits, the mobile food vendor will be required to maintain a list of times and locations (if more than one) for operating the mobile kitchen. Changes to scheduled times must be updated in a manner mutually agreeable to the City of Asheville."

f. Section 7-16-1(c)(44)(d)(10)(a) is revised and amended as follows:

"(a) In the downtown Central Business District and the Biltmore Village Historic District, mobile food vendors will be required to use electric power from the site to supply outside power needs to the truck."

g. Section 7-16-1(c)(44)(d)(10)(b) is amended with the following minor addition after "Central Business District" as follows:

"(b) In other areas of the city outside of the downtown Central Business District and the Biltmore Village Historic District, electric power from the site is also the preferred outside power source but generator(s) may be used if they operate at 65 decibels or less and if they are properly attached per manufacturer's standards to the mobile food vehicle."

h. Section 7-16-1(c)(44)(d)14 is revised to change the existing standard with the following standard:

"Signage: Mobile food vendors may have signage on their mobile kitchen, not to exceed 45 square feet total per vehicle including letters and/or logo advertising the business. No roof signs will be allowed."

Section 2. Chapter 16 of the Asheville City Code be amended as follows:

a. Amending Section 7-144(9) to read:

"(9) The pushcart shall operate only at times between the hours of 7:00 a.m. and 2:00 a.m."

Section 3. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. This ordinance is enforceable as provided in the Asheville City Code, including Article XVIII of Chapter 7, and Sec. 1-5.

Section 6. This ordinance is effective upon adoption.

Read, approved, and adopted this 8th day of January, 2013.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

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ORDINANCE NO. 4153

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 8th day of January, 2013.

Magdalen Bullion
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Demolition of 91 Riverside Drive

Magdalen Bullion
City Clerk

City of Asheville

Budget Amendment Details

1. Effective Date: 1/8/2013

2. Fiscal Year: 2012-13

3. Amendment to Operating _x___ and/or Capital Project ___ appropriation.

Development Services Center | 11/29/2012 | 4. Requesting Department | 5. Today's Date | 6. Preparer's Name

7. Comments/Purpose: Contract for the Demolition of a Dilapidated Structure at 91 Riverside Drive

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
Parking Fund:			$0	
Revenue:			$0	
Appropiated Fund Balance			$0	
62000220:499100	$825,000	$0	$1,050,000	$225,000
			$0	
Expenditures:			$0	
Land			$0	
62000221:611101	$825,000	$28,750	$1,050,000	$225,000
			$0	
			$0	

13. Balance of Transaction: $450,000.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

99

ORDINANCE NO. 4154

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 8th day of January, 2013.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Budget amendment in the amount of $330,000 from Housing Trust Fund reserves to provide sufficient budget authorization for all loan disbursements anticipated to occur prior to June 30, 2013.

Magdalen Bowleson
City Clerk

City of Asheville

Budget Amendment Details

1. Effective Date: 1/8/2013

2. Fiscal Year: 2012-13

3. Amendment to Operating __X_ and/or Capital Project ___ appropriation.

Housing Trust Fund (4. Requesting Department) | (5. Today's Date) | (6. Preparer's Name)

7. Comments/Purpose: To budget Housing Trust Fund reserves

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:			$0	
Appropriated Fund Balance			$0	
23004100:499100	$300,000	$0	$630,000	$330,000
			$0	
			$0	
			$0	
			$0	
			$0	
Expenditures:			$0	
Contingencies			$0	
23004100:528013	$83,477	$0	$413,477	$330,000
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
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			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	

13. Balance of Transaction: $660,000.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.

101

ORDINANCE NO. 4155

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 22nd day of January, 2013.

Magdalen Bullerson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Cherokee Road Retaining Wall

Magdalen Bullerson
City Clerk

City of Asheville
Budget Amendment Details

1. Effective Date: 1/22/2013
2. Fiscal Year: 2012-13

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

Public Works — **4. Requesting Department**
1/9/2013 — **5. Today's Date**
6. Preparer's Name

7. Comments/Purpose: Contract for the Cherokee Road Retaining Wall Construction Project

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
Parking Fund:			$0	
Revenue:			$0	
Installment Purch Proceed			$0	
41000330 492000 M0801	$883,576	$1	$708,108	($175,468)
			$0	
Expenditures:			$0	
Construction			$0	
41000330 616102 M0801	$1,443,210	$730,483	$1,267,742	($175,468)
			$0	
			$0	
General Fund:			$0	
Revenue:			$0	
Installment Purch Proceed			$0	
41000231 492000 K1203	$0	$0	$175,468	$175,468
			$0	
			$0	
Expenditures:			$0	
Contracted Services			$0	
41000231 521001 K1203	$254,532	$254,532	$430,000	$175,468
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:
By:
Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

103

ORDINANCE NO. 4156

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 22nd day of January 2013.

Magdalen Bullerson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Homeland Security Grant via NC Emergency Management for HDU Equip.

Magdalen Bullerson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2012/13

3. Amendment to Operating ____ and/or Capital Project __X__ appropriation.

Asheville Police Department — 4. Requesting Department
1/22/2013 — 5. Today's Date 6. Department Head Signature

7. Comments/Purpose: To accept a grant from Dept of Justice / Dept of Crime Control & Pub Safety / Division of Emergency Management for Bomb Unit Equipment

8. Account Number			9. Beginning Budget	10. Account Sum Balance	11. New Budget	12. Increase or Decrease by
Org Code	Object Code	Project Code				
Revenue:						
Federal Grants						
22000121	435000	P1303	$0	$0.00	$7,547	$7,547
Expenditure:						
Supplies - Safety Equipment						
22000121	524003	P1303	$0	$0.00	$7,547	$7,547

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:
16. Ordinance Number:
17. Date Received in Budget & Research:
18. Date Sent to City Clerk:

19. Date Posted:
By:
Sheet #:

Must be received by Budget & Research 14 days prior to the City Council Meeting.

105

ORDINANCE NO. 4157

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 22nd day of January 2013.

Magdalen Bradley
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Accept funds donated to APD

Magdalen Bradley
City Clerk

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2012/13

3. Amendment to Operating ____ and/or Capital Project __X__ appropriation.

Asheville Police Department — 4. Requesting Department
1/22/2013 — 5. Today's Date 6. Department Head Signature

7. Comments/Purpose: Private Donations

8. Account Number			9. Beginning	10. Account	11. New	12. Increase or
Org Code	Object Code	Project Code	Budget	Sum Balance	Budget	Decrease by
Revenue:						
Private Donations						
22000121	483300	P9999	$0	$0.00	$15,137	$16,137
Expenditure:						
Supplies - Other						
22000121	521001	P9999	$0	$0.00	$15,137	$16,137

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ORDINANCE NO. 4158

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 22nd day of January, 2013

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Budget amendment in the amount of $110,089 to move $110,089 from the special project fund to the general capital project fund

Magdalen Bourleson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2012-13

3. Amendment to Operating ____ and/or Capital Project _x___ appropriation.

Parks — 4. Requesting Department
1/22/2013 — 5. Today's Date
6. Department Head Signature

7. Comments/Purpose: technical amendment to move Friends money to proper project budget to account for fixed assets

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Transfer from grant fund				
41098401 498200 R1141	$72,491.00	$0.00	$182,580.00	$110,089.00
Expenditure:				
Contracted Services				
41008401 521001 R1141	$72,491.00	$0.00	$182,580.00	$110,089.00
Contracted Services				
22008401 521001 R0941	$166,665.00	$0.00	$56,576.00	($110,089.00)
Transfer to Capital Proj Fund				
22098401 800410 R0941	$12,491.00	$0.00	$122,580.00	$110,089.00
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:
16. Ordinance Number:
17. Date Received in Budget & Research:
18. Date Sent to City Clerk:

19. Date Posted:
By:
Sheet #:

Must be received by Budget & Research 14 days prior to the City Council Meeting.

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ORDINANCE NO. 4159

ORDINANCE APPROVING SIGN PACKAGE FOR UNC-ASHEVILLE

WHEREAS, the City of Asheville has the authority pursuant to N.C.G.S. 160A-381 to adopt and amend zoning ordinances, including sign regulations, and has adopted Ordinance No. 3427 establishing City Code Sec. 7-13-10, to allow for the adoption of signage plans for particular properties; and;

WHEREAS, following a public hearing held on January 22, 2013, the Asheville City Council determined it to be in the interest of the City to adopt a comprehensive sign package for the property known as UNC-Asheville and shown on Exhibit A; and

WHEREAS, this proposed ordinance is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

1. Provides improved identification and way-finding to students, faculty, and campus visitors.

2. Improves consistency of color, font, and iconography between all signs improves campus recognition.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The sign package submitted with the application and presented at the public hearing (copy of cover sheet, location map, and sample graphics attached hereto as Exhibit B, full color copy of complete package on file in Office of City Clerk and Planning and Development Department) be, and the same is hereby approved, subject to the conditions attached hereto as Exhibit C.

Section 2. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. That this ordinance shall be enforced as provided in Sec. 1-5 and Article XVIII of Chapter 7 of the Asheville City Code.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 22nd day of January, 2013 on 1st reading, and February 12, 2013 on 2nd and final reading.

Magdalen Bronson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bronson
City Clerk

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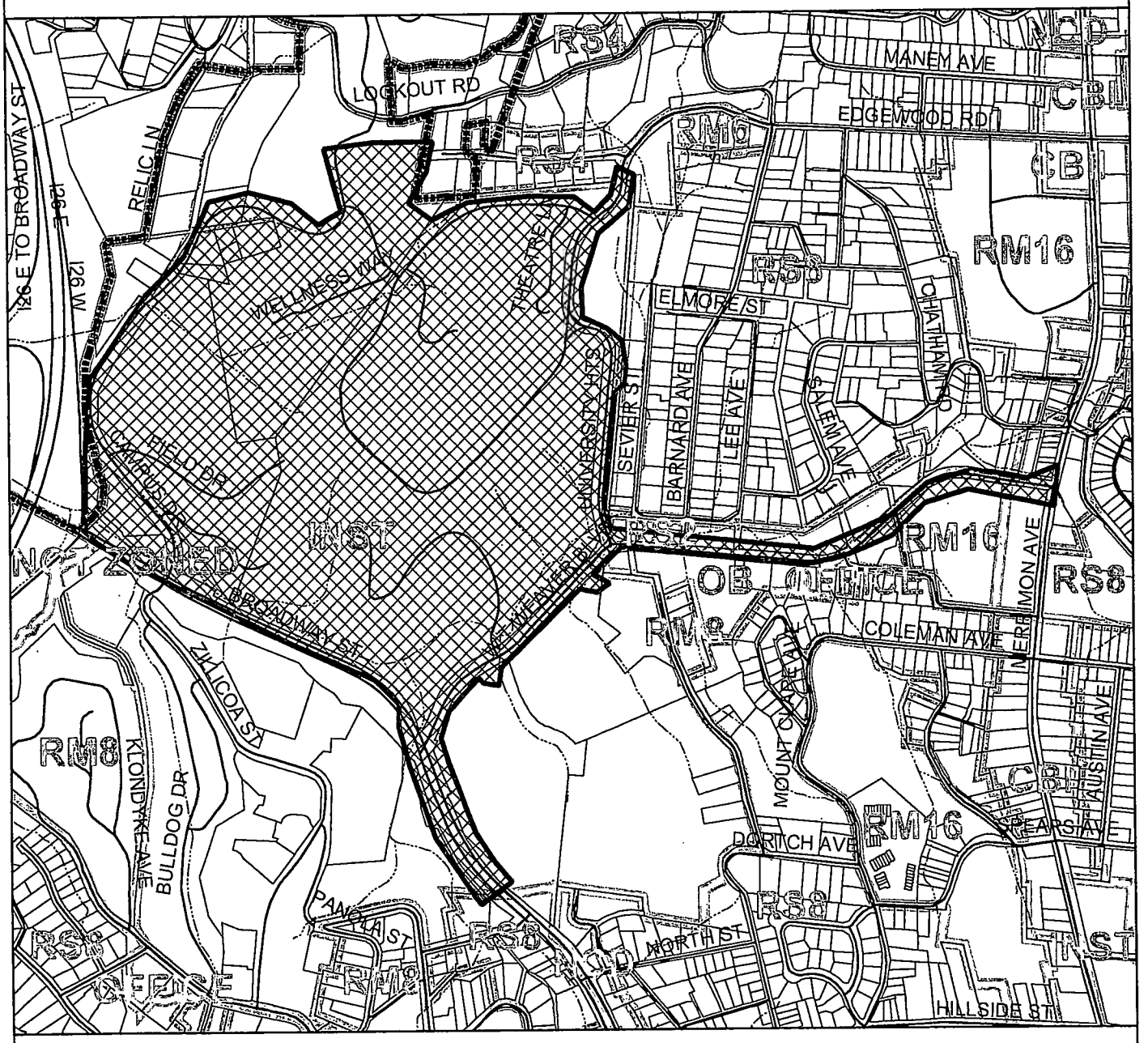
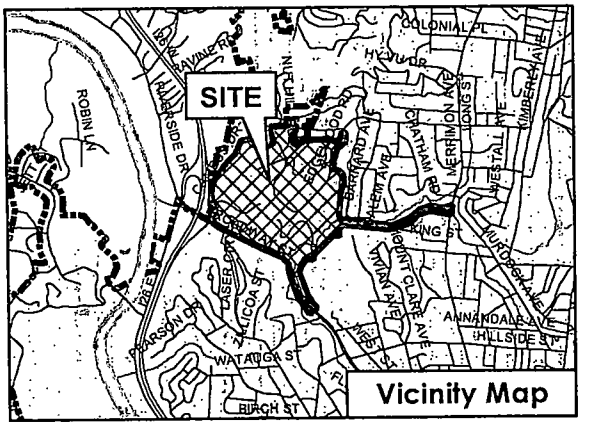
City of Asheville - Exhibit A Map
Signage Plan



Project Name:	UNC Asheville Sign Package
Project Number:	12-36-004
Project Description:	Campus Signage & Wayfinding
Petitioner(s):	UNC Asheville (PBC+L Arch.)
Parcel ID Number(s):	Multiple Parcels + Right-of-Way
Location/Address:	UNC Asheville and environs



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Development Department - January 15, 2013

Exhibit B 112

UNIVERSITY of NORTH CAROLINA ASHEVILLE

WAYFINDING AND SIGNAGE GUIDELINES

ISSUED SEPTEMBER 14TH 2012, REVISED JANUARY 10TH 2013

Introduction and Project Goals
This manual shall serve as the guideline for the construction of all exterior signage on the campus from the point of its official release. Illustrated and defined herein are the major signage types and locations, as well as the design of each of signage element and their probable costs.

In the early analysis phase of this project, the team reviewed all of the input gathered to that date, from official guidelines to survey results to informal suggestions. From that information, the team created an official set of goals for this project, seen below:

1. Define and identify the campus perimeter
   - Clearly define the edges and boundaries of the campus.

2. Visually create a strong sense of place
   - Create a welcoming campus environment.
   - Support the University's current branding and marketing goals by raising awareness, attracting visitors, and increasing the perceived value of the University in the community.
   - Identify and promote the UNC Asheville brand.

3. Help visitors find their way to and around campus
   - Provide simple, consistent and clear vehicular and pedestrian directional information.
   - Enhance accessible practices and increase ADA accessibility.
   - Approach to and traveling around the campus are not intuitive.
   - Improve the 'Bermuda Triangle'.
   - Improve Admissions Parking.

4. Highlight its many assets, features, amenities, and destinations
   - Reflect the primacy of our academic mission in the design of our campus.
   - Support our leadership role in Undergraduate Research.
   - Showcase the (impact of) collaborations between the University and the city of Asheville.
   - Refreshingly Smart, Powerfully Engaged, Closely Collaborative, Amazingly Affordable.

Project Team

Rob Nelson
Consultant and Working Group Chair

Melissa Acker
Landscape Architect

Elizabeth Becker
Executive Assistant, Office of the Chancellor

Eric Boyce
Director of Public Safety, Chief of Police

Jeff Brown
Chief Information Officer.

Shannon Earle
Dean of Admissions

Dr. Kevan Frazier
Director, Alumni Relations / University Events

Don Gordon
Director, Design & Construction

Debbie Griffith
Director, Communication & Marketing

Dr. Mark Harvey
Faculty

Ben Judge
Student

Dr. Gregg Kormanik
Faculty

Garrett Male
Transportation Coordinator

Dr. Patrice Mitchell
Past Dean of Admissions

Christine Riley
Chief of Staff

Aaron Sanders
Facilities Manager

David Todd
Director, Physical Plant

Chad Roberson
PBC+L Architecture

David Lancor
PBC+L Architecture

Peyton Shumate
PBC+L Architecture

PROJECT SUMMARY

INTRODUCTION

GOALS

PROJECT TEAM

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TYPOGRAPHY

The university's principal typefaces are Adobe Garamond, a timeless and functional serif font that should be used primarily for body text; Gotham, a contemporary and versatile sans serif font that is appropriate for headlines, display copy, signage, and shorter columns of text such as in sidebars; and Rockwell, a slab serif that is used for the Seriously Creative wordmark and can also be applied to headlines and other display copy, in moderation. Both the Garamond and Gotham type families are available in a variety of styles and weights (displayed on the opposite page) to provide the designer greater flexibility in creating the appropriate tone for different types of communications.

COLOR PALETTE

Color provides a strong visual link to the UNC Asheville brand identity across a variety of applications. The university's most identifiable color is PMS 294, or the "Asheville blue" that is used for the UNC Asheville logo, on athletics uniforms, and in other official university applications. As a defining brand element, the Asheville blue should be incorporated into every university marketing vehicle.

Gotham Book
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890

Gotham Book Italic
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890

Gotham Bold
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890

Gotham Bold Italic
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890

Gotham Black
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890

Gotham Black Italic
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890

Gotham Ultra
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890

Gotham Ultra Italic
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890

Rockwell Bold
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890

Rockwell Extra Bold
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890

Garamond Regular
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890

Garamond Regular Italic
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890

Arial Regular
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890

Arial Bold
ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890

THE ASHEVILLE BLUE

PANTONE 294

THE BRAND COLOR PALETTE

	PANTONE	CMYK	RGB	HTML
	PMS 123	C: 0 M: 24 Y: 94 K: 5	R: 255 G: 196 B: 37	#FFC425
	Warm Red	C: 0 M: 75 Y: 90 K: 0	R: 242 G: 101 B: 49	#F26D2C
	PMS 390	C: 22 M: 0 Y: 100 K: 8	R: 193 G: 205 B: 35	#C1CD23
	PMS 1795	C: 0 M: 94 Y: 100 K: 0	R: 238 G: 53 B: 36	#EE3524
	PMS 313	C: 100 M: 0 Y: 8 K: 13	R: 0 G: 154 B: 199	#1B9AC7
	PMS 159	C: 0 M: 66 Y: 100 K: 7	R: 227 G: 111 B: 30	#E36F1E
	PMS 260	C: 52 M: 100 Y: 0 K: 26	R: 113 G: 20 B: 113	#711471
	PMS 194	C: 0 M: 100 Y: 64 K: 33	R: 171 G: 6 B: 52	#AB0634

COLOR CODING

PMS 294 - CAMPUS BUILDINGS

PMS 194 - RESIDENCE HALLS

WARM RED - PARKING

PMS 123 - INFORMATION

PMS 390 - GREEN AREAS / NATURAL

LOGOS

INFORMATION

RESIDENCE HALL

CAMPUS BUILDING

SYMBOLS

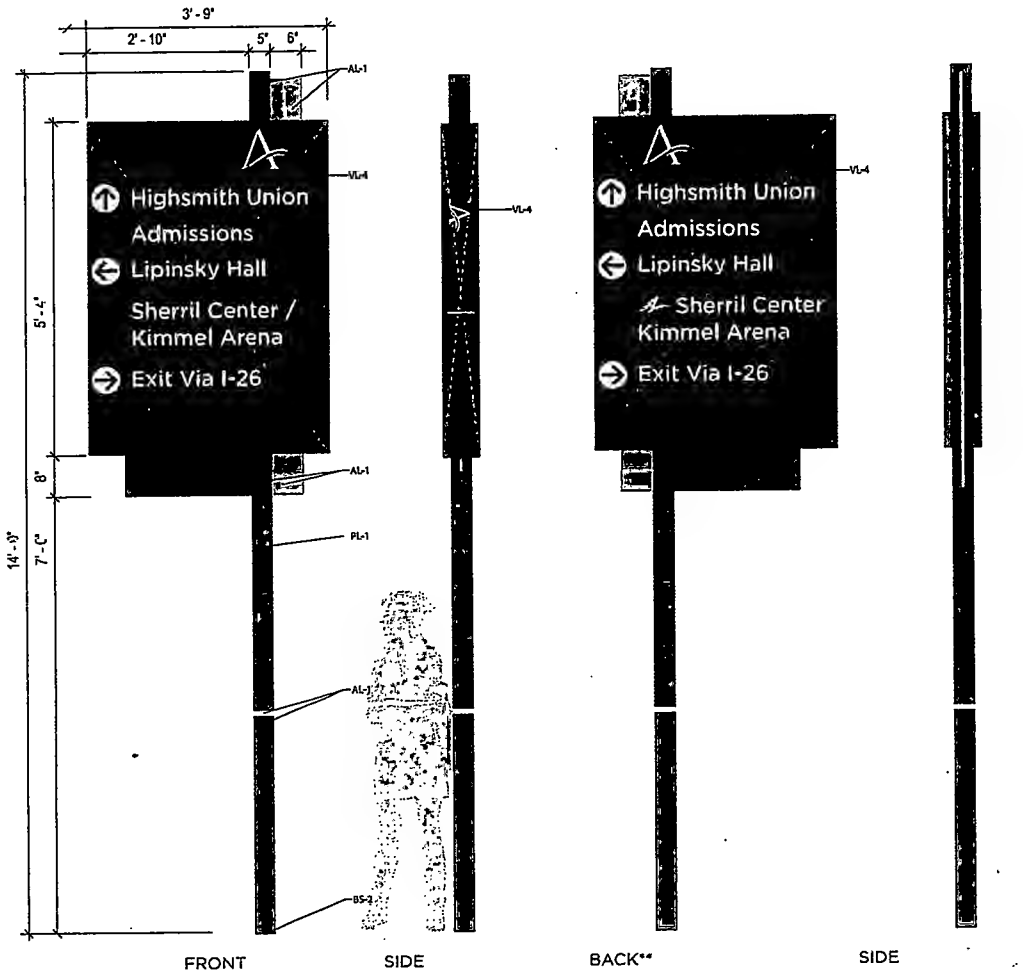
DIRECTIONAL SYMBOL

QR CODE

ICONOGRAPHY

COLOR CODING

The wayfinding signage employs color coding and iconography as a visual aid. The rules shown here are identical to those employed on the new campus map.



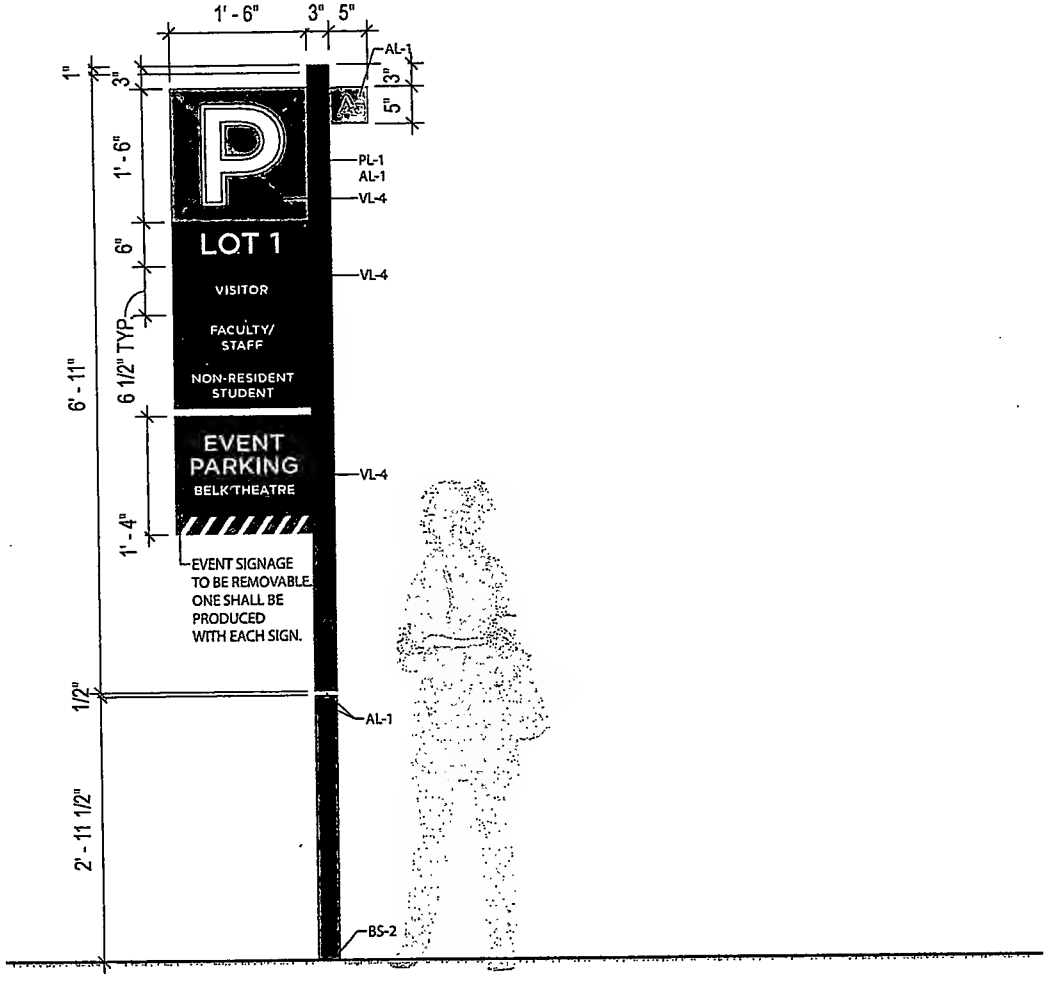
SCALE: 3/4" = 1'-0"

VEHICULAR DIRECTIONAL SIGNAGE

PL-1	Aluminum pole, 3" x 3" square
AL-1	Painted Aluminum
VL-4	Digital image printed on reflective vinyl film with overlaminate
BS-2	Break away base

Refer to Construction Details for additonal base details.

**Refer to Signage Location Map as to whether or not each individual sign is one or two sided. One-sided signs will be constructed the same but will not feature text on the back, just a digital print of the background color.



SCALE: 3/4" = 1'-0"

PARKING LOT SIGNAGE

PL-1	Aluminum pole, 3" x 3" square
AL-1	Painted Aluminum
VL-4	Digital Image printed on reflective vinyl film with overlaminate
BS-2	Break away base

Refer to Construction Details for additonal base details.

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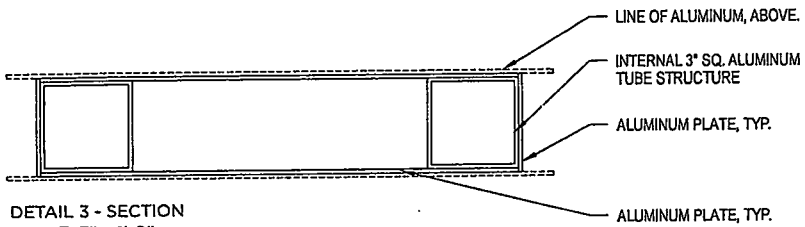
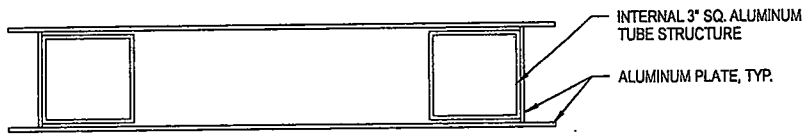
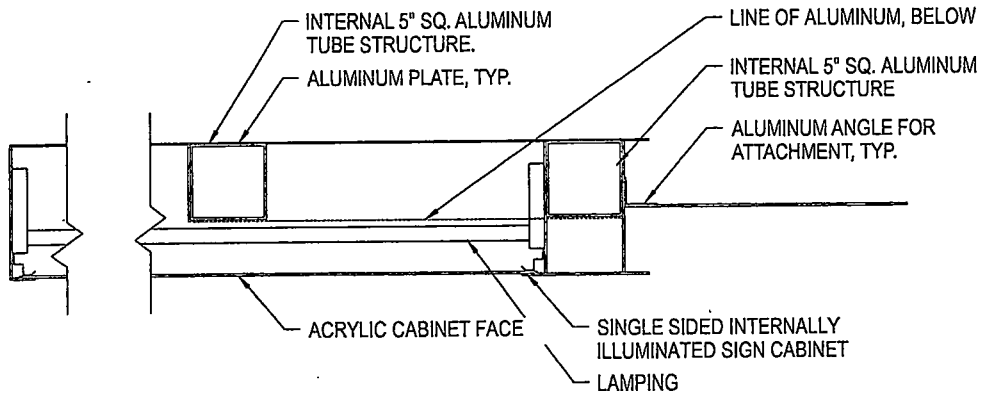


DETAIL 3 - SECTION
SCALE: 3" = 1'-0"

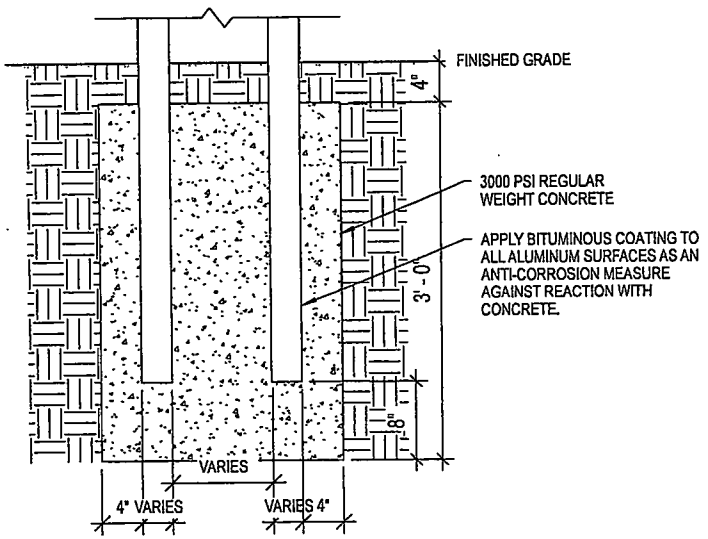


DETAIL 2 - SECTION
SCALE: 3" = 1'-0"

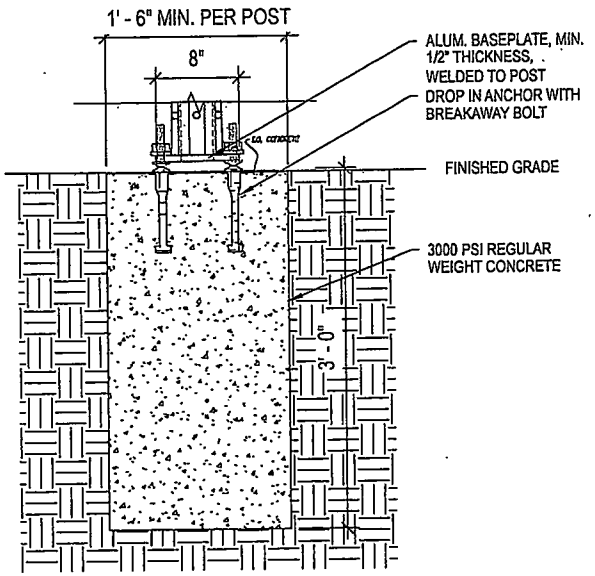

INTERNAL 5" SQ. ALUMINUM TUBE STRUCTURE.
ALUMINUM PLATE, TYP.
LINE OF ALUMINUM, BELOW
INTERNAL 5" SQ. ALUMINUM TUBE STRUCTURE
ALUMINUM ANGLE FOR ATTACHMENT, TYP.
ACRYLIC CABINET FACE
SINGLE SIDED INTERNALLY ILLUMINATED SIGN CABINET
LAMPING

DETAIL 4 - SECTION
SCALE: 1=1/2" = 1'-0"

TYPICAL CONSTRUCTION DETAILS



DETAIL 5 - DIRECT BURIAL BASE
SCALE: 1" = 1'-0"


1' - 6" MIN. PER POST
8"
ALUM. BASEPLATE, MIN. 1/2" THICKNESS, WELDED TO POST
DROP IN ANCHOR WITH BREAKAWAY BOLT
FINISHED GRADE
3000 PSI REGULAR WEIGHT CONCRETE
3' - 0"

DETAIL 6 - BREAKAWAY BASE

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MAP OF SIGNAGE LOCATIONS - ALL SIGNAGE

SYMBOL LEGEND

- Gateway Entrance Sign
- Pole Banner
- Pole Banner with Post
- Vehicular Information Kiosk
- Vehicular Directional Sign
- Vehicular Directional Sign - MUTCD
- Parking Lot Signage
- Pedestrian Information Kiosk
- Pedestrian Directional Sign
- Building Sign

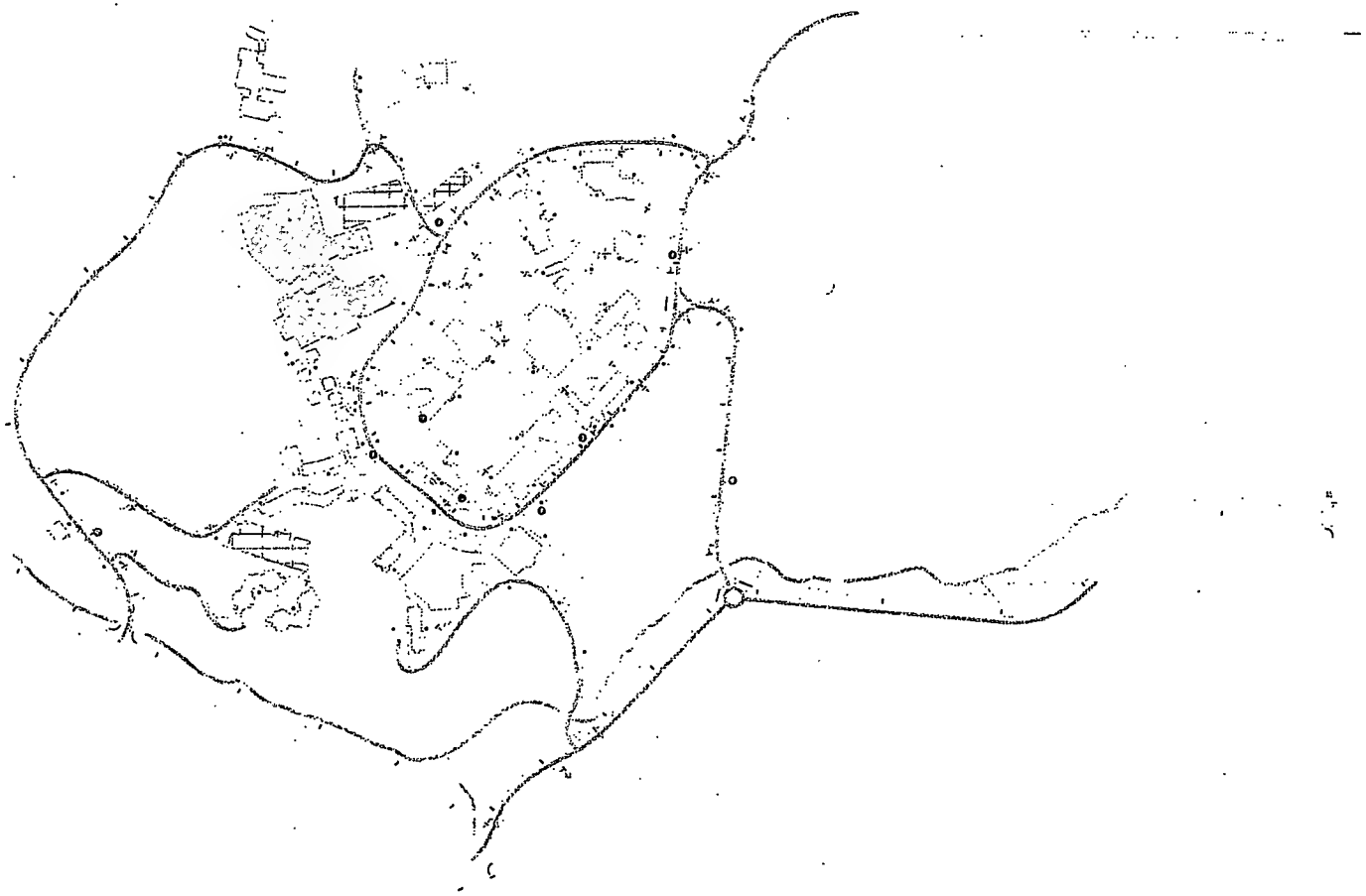


EXHIBIT C

CONDITIONS

1. Gateway signs be limited to the following locations:

    - WT Weaver Boulevard and University Heights (round-a-bout)
    - University Heights and Campus Drive (triangle intersection)
    - Broadway Avenue and Campus Drive.

2. Pole banners are restricted to Campus Drive and University Heights.

3. All signs located within road rights of way shall obtain all necessary approvals or encroachments from the regulating agencies.

4. Any changes to the signage included in this plan may require a new review by City Council.

5. All signs shall comply with the proposed standards and no exceptions or variances are permitted (minor changes to sign location due to visibility or other site constraints may be permitted.

ORDINANCE NO. 4160

ORDINANCE GRANTING CONDITIONAL USE PERMIT (NEW BELGIUM BREWING COMPANY AT 157 CRAVEN STREET)

WHEREAS, the City has the authority pursuant to N. C. Gen. Stat. 160A-381 to issue conditional use permits; and

WHEREAS, the Council has determined that this ordinance is reasonable and in the interest of the City for the reasons set out in the Staff Report, and has further determined that this ordinance is consistent with the comprehensive use plan and other plans, including the Wilma Dykeman Riverfront plan, for the reasons set out in the Staff Report; and

WHEREAS, the City Council has conducted a public hearing on January 22, 2013, to consider the application of New Belgium Brewing Company for the construction of facilities for brewery – production, distribution, administration and visitor, retail, recreation functions as well as related site improvements and has determined that said permit should be issued;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. That the Order attached hereto as Exhibit A, setting forth findings and conclusions, is hereby adopted, and the Conditional Use Permit is issued as set forth therein.

Section 2. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 3. That if any section, subsection, clause or phrase of this ordinance is for any reason held to be invalid, then the entire ordinance shall likewise be invalid, and subject to modification or re-adoption as provided by law.

Section 4. This ordinance is enforceable as provided in Article 18 of this Chapter.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted this 22nd day of January, 2013.

Magdalen Bouleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

Exhibit A

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

CITY OF ASHEVILLE
CITY COUNCIL
File No. 13 CUP _____

In the matter of:
Conditional Use Permit for property at
157 Craven Street

(New Belgium Brewery)

ORDER ISSUING
CONDITIONAL USE PERMIT

This matter coming on for public hearing before the Asheville City Council at its January 22, 2013, regular meeting, upon an application for a Conditional Use Permit for the construction of a brewery with additional space for administrative offices, a retail/visitor center, parking and outdoor recreational spaces (herein "Project") located on approximately 19.81 acres of land on Craven Street (herein "Subject Property"), and based on the information presented at the public hearing, the City Council makes the following findings and conclusions, and enters the following order:

FINDINGS

1. This public hearing was advertised on January 11, 2013 and January 18, 2013; the Subject Property was posted with signs, and notices were mailed to adjacent property owners. There were no objections based on a lack of notice.

2. The Subject Property is identified by Buncombe County parcel identification numbers (PIN) 9638.88-0138; -1179; -2312;-3045; 9638.87-1800; - 5570; -9135; and 9638.78-8092.

3. The Subject Property is 19.81 acres in size located on Craven Street between Haywood and Hazel Mill Roads in the River District of West Asheville. The parcel is zoned River and is currently vacant, previous uses include a mini-storage facility and the old stockyards. A location map showing the current zoning of the Subject Property is attached as Exhibit A-1.

4. The Subject Property is bordered by the French Broad River to the east, River District and Commercial Industrial zoned parcels to the north, Commercial District and RM-8 to the west and River District to the south. The immediate vicinity across Craven Street includes some single-family houses, commercial uses and vacant parcels (both residentially and commercially-zoned).

5. The east bank of the French Broad River is zoned River District, and is in use for a variety of commercial purposes. It is known generally as the River Arts District, and is in the process of redevelopment for commercial and mixed use purposes.

6. The proposal is to construct a brewery for the production of up to 700,000 barrels of beer per year with additional space for administrative offices, a retail/visitor center, parking, and outdoor recreational spaces (herein "Project"). Plans for the Project indicate a total

of 205,737 sq. ft. divided between the production building (2 stories, 42 feet in height and 193,757 sq. ft.; with storage tanks up to 88 feet in height, malt buildings up to 77 feet in height) and the liquid center (1-story, 28 feet in height, and 11,980 sq. ft.). There is also a separate recycling building in the overall square footage (60 feet in height, 4,200 sq. ft.). A modification is being requested from the River District building height limit of 60 feet in order to accommodate the storage tanks and malt buildings.

7. Additionally, the Project includes space for truck access and loading/unloading, separate employee and visitor parking, an event lawn and an active greenway connection along the French Broad River. The site is loosely divided between production and employee uses to the north and visitor uses to the south.

8. Vehicles will access the site from three driveway cuts with one 40' driveway at the northern end for truck access. The 24' wide employee driveway and the 30' two-way visitor access point are both located towards the southern end of the site. The truck and visitor access drives both exceed the maximum width of 24 feet specified in the ordinance, and a modification is being requested.

9. The primary employee lot will provide 56 spaces (2 HC accessible); the visitor lot has 51 spaces (2 HC accessible) and 6 spaces are proposed near the loading area at the production center (1 HC accessible). There will be 50 bike spaces divided between two locations.

10. There are pedestrian pathways into and throughout the site, and sidewalks are to be provided along the entire frontage of the property as a part of the separate major subdivision submittal (approved by the Planning and Zoning Commission on January 2, 2013).

11. Landscaping is required for the Project and will include street trees, street buffer, parking lot landscaping, building impact landscaping, screening of loading docks and preservation of landscaping in the required River Resource Yard (an area designated to preserve existing tree stands for river bank stabilization, erosion control and improved water quality). A modification to required landscaping is being requested in order to accommodate an overhead power line and associated easements.

12. Fifteen percent of the total lot area is required by ordinance to be dedicated as open space, which would be 2.97 acres for this Project. More than the minimum is proposed, with at least 3.16 acres shown on the plans. Developments in the River District are required to provide a River Resource Yard and this location is shown on the plans coinciding with the setback from the French Broad River, and encompasses dedicated open space as well as a greenway path.

13. Commercial vehicular traffic on Haywood Road is anticipated to increase during construction (scheduled to begin in early 2013) as other operations commence (scheduled for early 2015). In particular, at full operation, approximately 104 additional travel trips per day will occur along Haywood Road from the intersection with I-240 to the Project. Some residents who spoke at the public hearing expressed concern about the projected increase in truck traffic and other vehicular traffic along this section of Haywood Road.

14. Haywood Road is a North Carolina State road, and a designated commercial corridor. With the exception of a small section of RM-8 zoning, all of the zoning along Haywood Road between I-240 and the Subject Property is commercial; most of the uses along this section are non-residential. The City's Traffic Engineers, and a engineering consultant for the applicant determined that the existing access routes are adequate to handle the expected increase in traffic.

15. The applicant and the City will work to improve truck access via Riverside Drive, but such improvement involves a railroad bridge over the road, extending over the river, and is not certain enough to rely on for purposes of this CUP.

16. The City and State have entered into agreements and have received and will receive funds to improve the public roads in the vicinity of the Project, as well as the roads that are expected to be the primary routes for vehicles serving the Project. In addition, the City will be installing larger water lines to the Project, and undertaking some drainage improvements on property adjacent to the Subject Property. When these improvements are complete, the Subject Property will be adequately served with water and sewer utilities, and storm drainage around the Subject Property will be adequately addressed. Police, fire and other emergency service is adequate; no service issues were noted by the TRC.

17. As additional phases are constructed and/or modified, the City Traffic Engineer will review the possible traffic impacts and recommend any appropriate mitigation improvements, including a traffic impact study.

18. At its November 19, 2012 and January 2, 2013 meetings, the Technical Review Committee (TRC) and Planning and Zoning Commission (P&Z) recommended approval of this project subject to the conditions outlined in the staff report. The Staff Report, including the TRC report, is incorporated by reference in these findings.

19. The conceptual site plans attached as Exhibit A-2, are incorporated herein, and made a part of these findings.

20. The Project will replace an old stockyard, some dilapidated buildings, and a mini-storage facility. The Project will include several buildings one or two floors in height, but will also include several tanks or silos over 80 feet in height (in excess River District of the height limit of 60 feet, for which a modification is requested). The buildings as shown on the conceptual plans are not industrial in appearance, having pedestrian walks and ample fenestration.

21. The Project will include substantial environmental remediation of the Subject Property, and incorporates significant natural features. The existing site is, at least partially, a Brownfields site.

22. There was no information presented at the public hearing indicating that property values would be substantially injured by the Project. The upgrades to roads and other infrastructure in the vicinity of the Project are anticipated to improve property values.

23. The buildings are set back from Craven Street and the adjacent residential areas.

24. Upon completion, the Project is expected to represent an investment of more than $175 million and to create approximately 130 new jobs.

25. The Project is near several major transportation facilities, including automobile and rail; there are some constraints on direct access from Riverside Drive. Public transit is available on Haywood Road.

26. The Project is located close to the center of the City, and close to housing and population centers.

JURISDICTIONAL CONCLUSIONS

1. Notice of the public hearing on this matter was provided as required by statute and ordinance, and this matter is properly before the City Council.

2. This application is being reviewed as a Level III conditional use permit for a Level III Project pursuant to UDO Sec. 7-8-3(e).

CONDITIONAL USE DETERMINATIONS

If the Project is developed in accordance with the approved conceptual site plan and elevation drawings, made a part hereof, and in accordance with the conditions set forth below, the Project will satisfy the standards for conditional uses specified in City Code Sec. 7-16-2(c), and set out below. Council's determination is based on all the facts found above, and summarized below following each standard.

1. That the proposed use or development of the land will not materially endanger the public health or safety.

   If developed substantially in accordance with the approved plans, the Project will comply with all conditions outlined in the TRC Report and will be reviewed in detail by the TRC to ensure compliance with safety requirements.

2. That the proposed use or development of the land is reasonably compatible with significant natural or topographic features on the site and within the immediate vicinity of the site given the proposed site design and any mitigation techniques or measures proposed by the applicant.

   The bulk of the site has been previously graded through its past uses, including the old WNC stockyard and most recently as a mini-storage facility and auction house. Building placement and impervious development is sited outside of the 50 foot setback from the river and respects the required River Resource Yard, which preserves and maintains existing vegetation to stabilize the riverbank, aid in erosion control, and improve water quality.

3. That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property.

The Project includes multiple upgrades and amenities that should not injure the value of adjoining or abutting properties. Previous uses included a stockyard and mini-storage, and some dilapidated buildings.

4. That the proposed use or development or the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located.

   The proposed manufacturing, retail and recreation uses are all supported by the River zoning district and City-adopted plans. Most of the buildings for the Project will not exceed one or two stories.

5. That the proposed use or development of the land will generally conform to the comprehensive plan, smart growth policies, sustainable economic development strategic plan and other official plans adopted by the City.

   Elements of the overall project are directly aligned with the City's goals and objectives including enhancing the riverfront, infill development on a Brownfields location, supporting a manufacturing use, multiple multi-modal transportation elements, job creation, economic and community investment, emphasis on water quality and stormwater practices, recreational amenities with a greenway segment and related infrastructure improvements in the vicinity.

6. That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.

   The City's Technical Review Committee reviewed the Project and found that adequate services and facilities are available, or will be available when the Project is ready to begin operations.

7. That the proposed use will not cause undue traffic congestion or create a traffic hazard.

   The draft traffic impact study has been submitted and is currently being reviewed by the Transportation Department. Certain mitigation improvements have been identified and will be addressed by the developer of the project, the City of Asheville, and the North Carolina Department of Transportation. The City's traffic engineers have determined that existing access is adequate for the traffic expected to be generated by the Project, and planned improvements should further mitigate traffic reports.

Based on the findings set forth above, the City Council makes the following jurisdictional conclusions and conditional use determinations:

JURISDICTIONAL CONCLUSIONS

1. Notice of the public hearing on this matter was provided as required by statute and ordinance, and this matter is properly before the City Council.

2. This application is being reviewed as a Level III conditional use pursuant to UDO Sec. 7-8-3(e), and 7-16-2(b)(2).

On the basis of the above findings and conclusions, the Asheville City Council grants the application for a Conditional Use Permit for the Project, subject to the following conditions:

1. The Project shall comply with all conditions outlined in the TRC staff report, which is made a part of these conditions.

2. All site lighting must comply with the City's Lighting Ordinance and be equipped with cut-off fixtures and directed away from adjoining properties and streets. A detailed lighting plan will be required upon submittal of detailed plans to be reviewed by the Technical Review Committee.

3. All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape and grading plans.

4. The building design, construction materials and orientation on site must comply with the conceptual site plan and building elevations presented with this application.

5. Any deviation from these plans may result in reconsideration of the Project by the reviewing boards.

6. This Project will undergo final review by the TRC prior to issuance of any required permits.

7. New Belgium Brewery is to construct one transit shelter on a concrete ADA pad built by the City on the east-bound side of Haywood Road, just southwest of Craven Street.

8. New Belgium Brewery will contribute $50,000 towards the construction of sidewalks along Haywood Road to aid in pedestrian safety along the designated tuck route.

These conditions shall be binding on the Applicant, and any successors in interest.

MODIFICATIONS

The following modifications were requested, and determined to be supported as indicated below:

1. **Driveway Width**: The maximum driveway width allowed per the UDO is 24 feet at the throat and 36 feet at the radii. Plans indicate a 40 foot throat/100 foot radius at the truck entrance; a 30 foot/75 foot radius with a raised median at the visitor parking access. This modification is needed to improve truck access.

2. **Building Height**: Maximum building height allowed is 60 feet in the River; the malt building maximum height is 77 feet and the storage and production tanks are 88 feet maximum. The rest of the Project will not exceed two stories in height. This modification is needed to accommodate the equipment needed for the brewing process.

3. **Landscaping**: Restrictions from planting around Progress Energy lines along Craven Street may necessitate alternative spacing of street trees as well as a break in the continuous buffer for the loading area and street buffer. Additionally, the applicant is requesting to plant shrubs instead of trees in the loading dock screening and some

smaller street trees under the transmission lines. This modification is needed to accommodate the existing utility lines.

All of the requested modifications are allowed, consistent with the conceptual site plan.

Read, approved and adopted this the 22nd day of January, 2013.

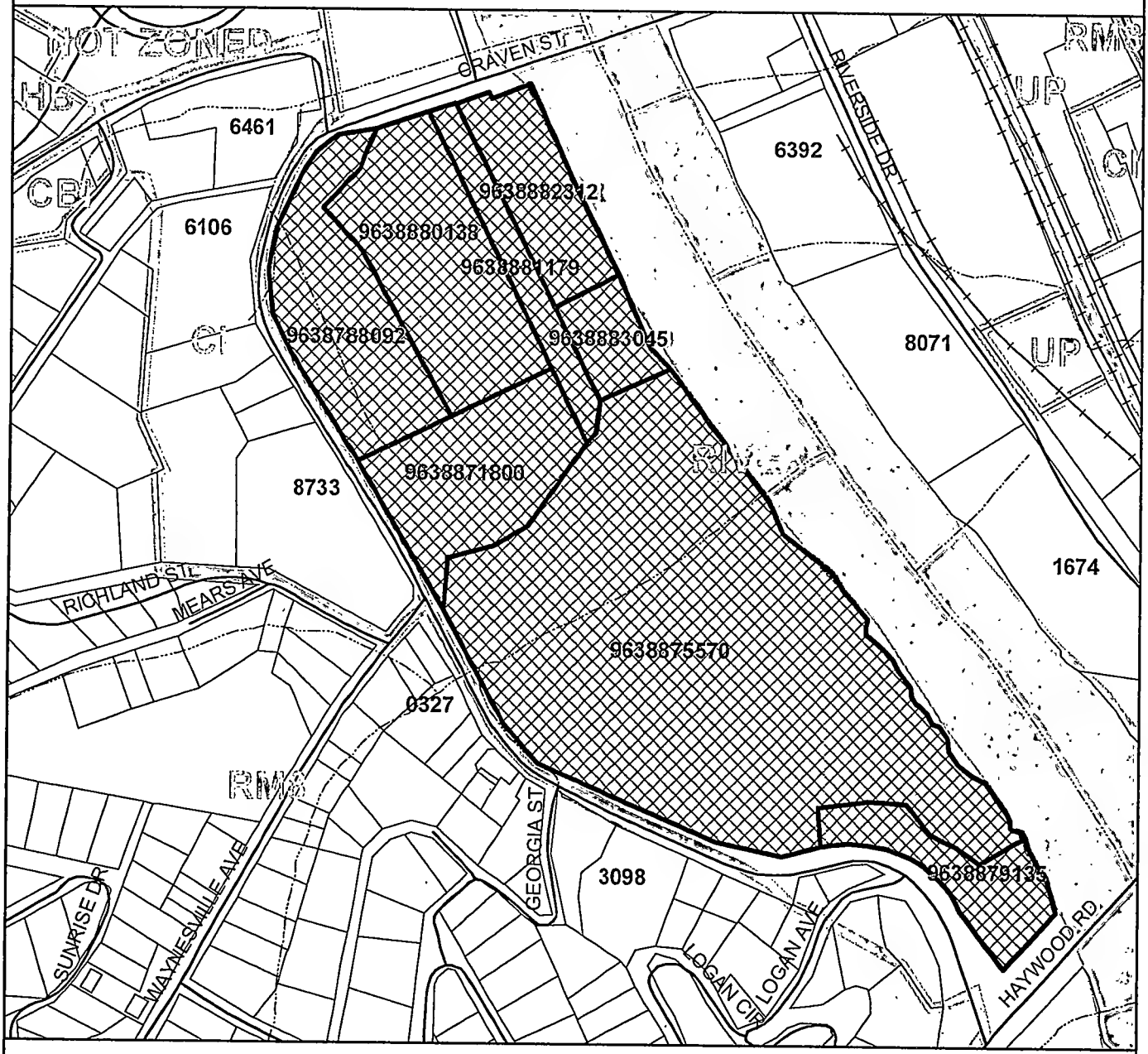
City Clerk

Mayor

Approved as to form:

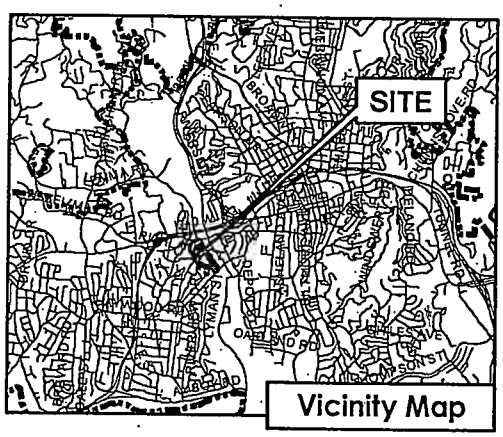
City Attorney

City of Asheville - Exhibit A Map
Level III Site Plan Review

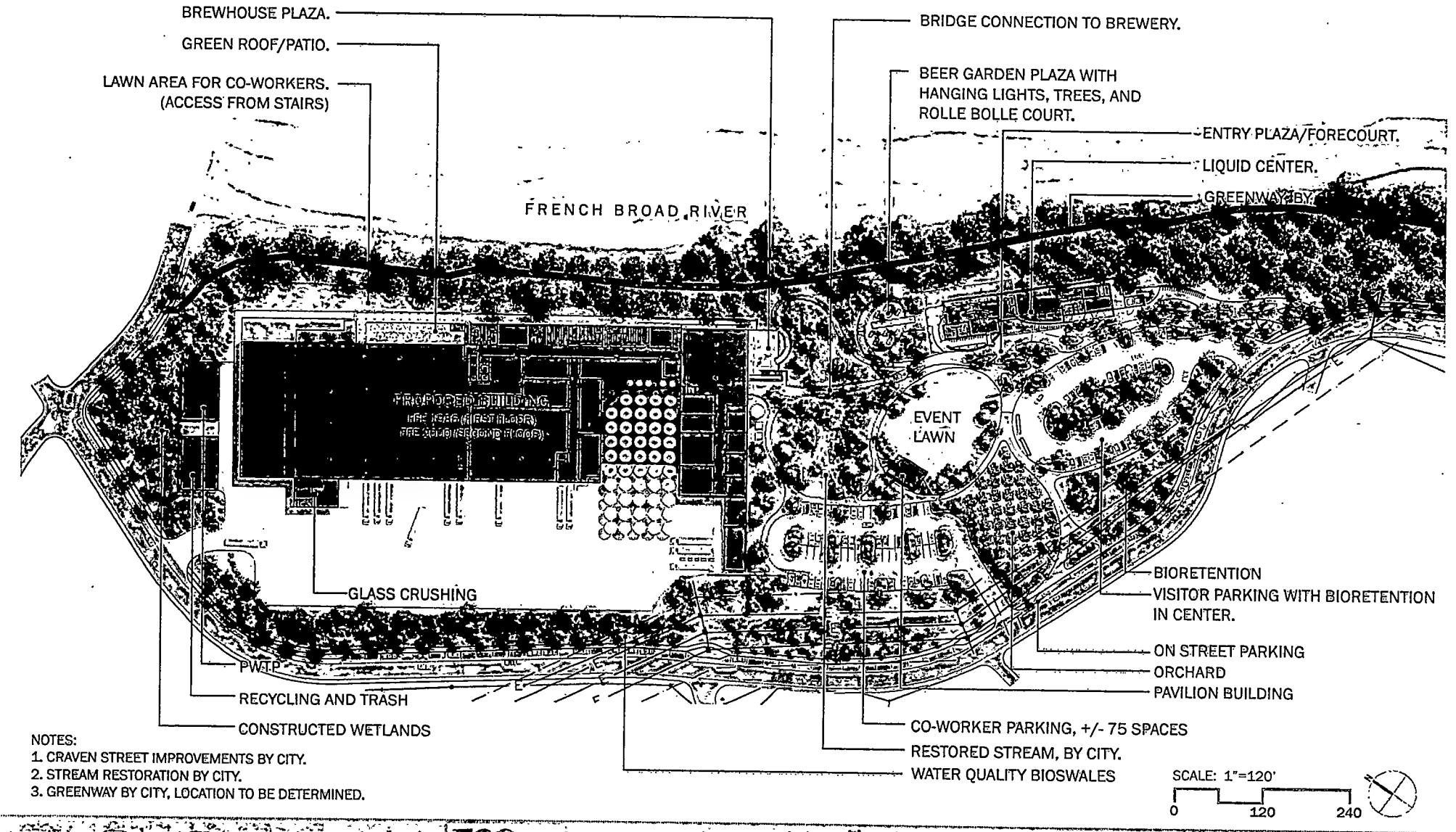


Project Name:	New Belgium Brewing Company
Project Number:	LIII 12 - 30 - 004
Project Description:	Construction of new brewery
Petitioner(s):	Susan Freyler
Parcel ID Number(s):	9638.88-0138; -2312; -3045; -1179
	9638.78-8092; 9638.87-9135; -5570; -1800
Location/Address:	Craven Street

Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams



City of Asheville Planning and Development Department - November 5, 2012

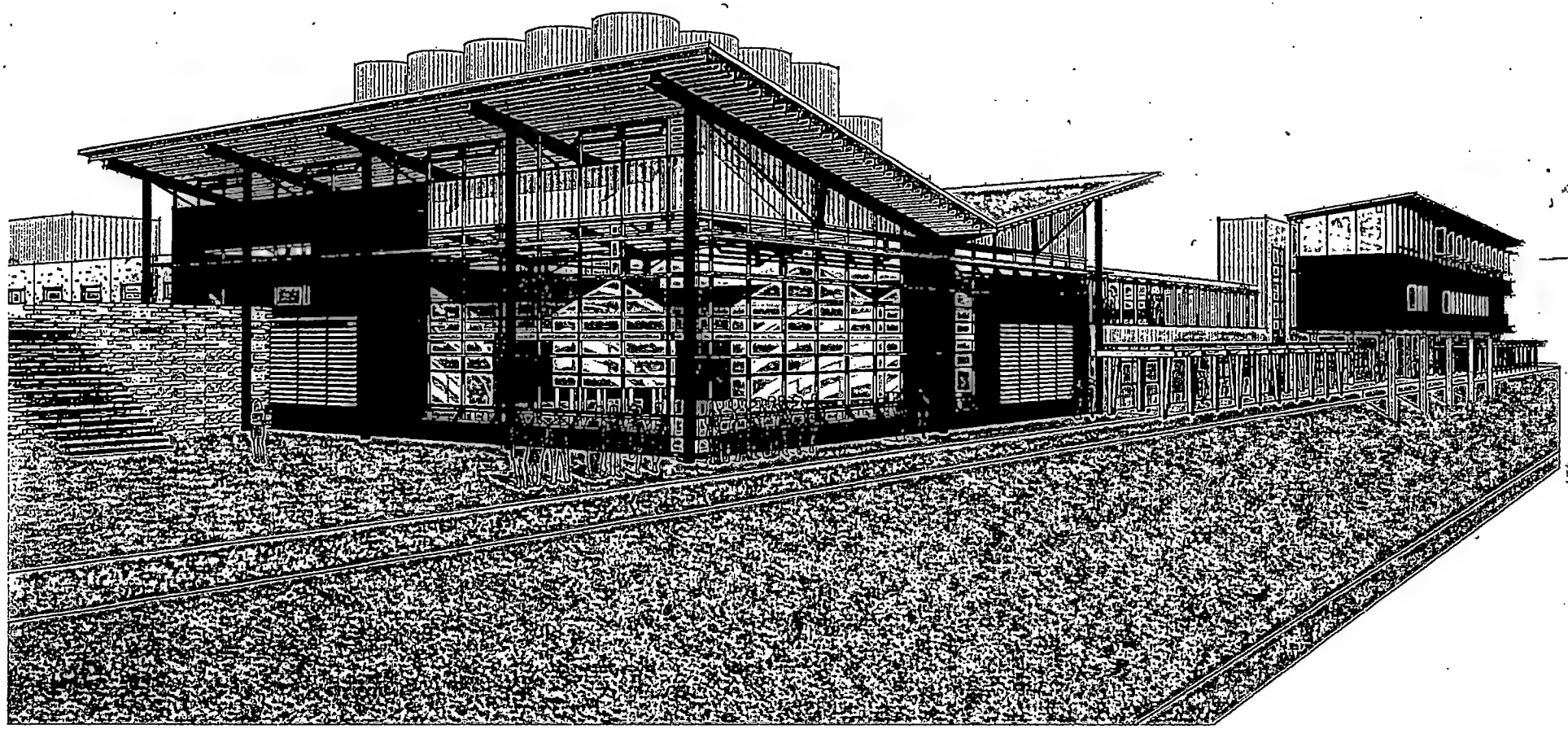


NOTES:
1. CRAVEN STREET IMPROVEMENTS BY CITY.
2. STREAM RESTORATION BY CITY.
3. GREENWAY BY CITY, LOCATION TO BE DETERMINED.

PERKINS + WILL | russell+mills studios | Cole Jenest & Stone | Mattern & Craig

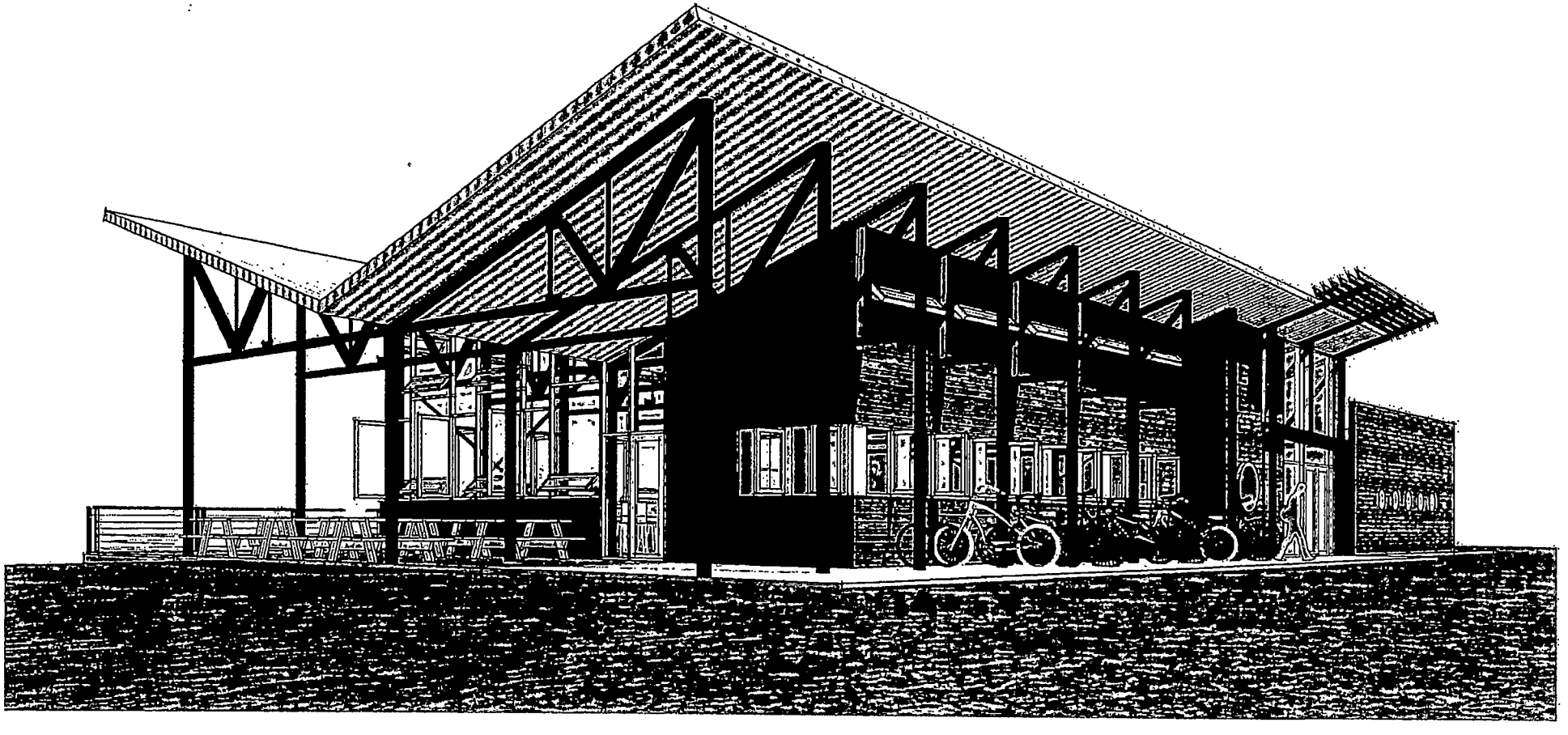
NEW BELGIUM BREWING, ASHEVILLE NC
Master Plan

Exhibit A-2



PERKINS + WILL | russell+mills studios | Cole Jenest & Stone | Mattern & Craig

NEW BELGIUM BREWING ASHEVILLE, NC
Brewery Perspective



PERKINS+WILL | russell+mills studios | Cole Jenest & Stone | Mattern & Craig

NEW BELGIUM BREWING, ASHEVILLE INC

Liquid Center - Perspective

ORDINANCE NO. 4161

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 22nd day of January, 2013.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Haywood Road Improvements

Magdalen Burleson
City Clerk

135

City of Asheville
Budget Amendment

1. Effective Date: 1/22/2013
2. Fiscal Year: 2012-13

3. Amendment to Operating ____ and/or Capital Project _x___ appropriation.

Public Works
4. Requesting Department | 5. Today's Date | 6. Department Head Signature

7. Comments/Purpose: to budget funding for Haywood Rd improvements

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Outside Contributions				
41000231:483300:K1301	$0.00		$50,000.00	$50,000.00
Intrafund Project Transfers				
41090231:498999:K1301	$0.00		$170,000.00	$170,000.00
Expenditures:				
Improvements				
41000231:521001:K1301	$0.00		$220,000.00	$220,000.00
13. Balance of Transaction:				$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4162

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 12 day of February, 2013.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: To authorize acceptance and expenditure of grant funds for bicycle wayfinding signs.

Magdalen Burleson
City Clerk

137

City of Asheville
Budget Amendment

1. Effective Date: 2/12/2013
2. Fiscal Year: 2012-13

3. Amendment to Operating ___ and/or Capital Project _X_ appropriation.

4. Requesting Department	5. Today's Date	6. Department Head Signature
Transportation	1/28/2013	

7. Comments/Purpose: To accept grant from Blue Ridge Bicycle Club and expend on bicycle wayfinding signs.

8. Organization #	Object Code	Project #	9. Beginning Budget	10. Account Summary Bal	11. New Budget	12. Increase or Decrease By
REVENUE:						
11002151	483300		0.00	$0.00	$1,050.00	$1,050.00
Private Donations Grant						
Expenditure:						
11002151	524101		38,140.00	$38,127.37	$39,190.00	$1,050.00
Materials						

13. Balance of Transaction: $0.00

ORDINANCE NO. 4163

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment forms attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 12th day of February 2013.

Magdalen Bullion
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: To set up the project budget for the Black Mountain Trailblazer operated by Mountain Mobility and the city's administrative cost.
To set up the project budgets for the Pedestrian Improvements in US 64; to purchase and rehab a van and for operations; and the City of Asheville's administrative cost.

Magdalen Bullion
City Clerk

139

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2012-13

3. Amendment to Operating ___ and/or Capital Project _X_ appropriation.

4. Requesting Department | 5. Today's Date | 6. Department Head Signature

7. Comments/Purpose:

8. Organization #	Object Code	Project #	9. Beginning Budget	10. Account Summary Bal	11. New Budget	12. Increase or Decrease By
JARC MOUNTAIN MOBILITY PROJECT:						
REVENUE:						
65100951	435000	T1303	0.00		$124,887.00	$124,887.00
JARC Grant Revenue for project						
65100951	483000	T1303	0.00		$102,181.00	$102,181.00
In-Kind External Participation Revenue (matching funds from sub-recipient)						
EXPENSE:						
65100951	527102	T1303	0.00		$102,181.00	$102,181.00
Pass Through Expense						
65100951	521000	T1303	0.00		$102,181.00	$102,181.00
In-Kind External Participation Expense (matching funds from sub-recipient)						
65100951	800650	T1303	0.00		$22,706.00	$22,706.00
Transfer to Transit Op Fund for operating expense (reimbursed comp)						
NEW FREEDOM FOR HENDERSONVILLE PROJECT:						
REVENUE:						
65100951	435000	T1304	0.00		$242,017.00	$242,017.00
New Freedom Grant Revenue for project						
65100951	483000	T1304	0.00		$41,300.00	$41,300.00
In-Kind External Participation Revenue (matching funds from sub-recipient)						
EXPENSE:						
65100951	527102	T1304	0.00		$197,116.00	$197,116.00
Pass Through Expense - Hendersonville						
65100951	527102	T1304	0.00		$20,700.00	$20,700.00
Pass Through Expense - Customer Inspired Services						
65100951	521000	T1304	0.00		$37,000.00	$37,000.00
In-Kind External Participation Expense (matching funds from Hendersonville)						
65100951	521000	T1304	0.00		$4,300.00	$4,300.00
In-Kind External Participation Expense (matching funds from Customer Inspired Services)						
65100951	800650	T1304	0.00		$24,201.00	$24,201.00
Transfer to Transit Op Fund for operating expense (reimbursed comp)						

13. Balance of Transaction: $0.00

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2012-13

3. Amendment to Operating ___ and/or Capital Project _X_ appropriation.

4. Requesting Department | 5. Today's Date | 6. Department Head Signature

7. Comments/Purpose:

8. Organization #	Object Code	Project #	9. Beginning Budget	10. Account Summary Bal	11. New Budget	12. Increase or Decrease By
JARC MOUNTAIN MOBILITY PROJECT:						
REVENUE:						
65100951	435000	T1303	0.00		$102,181.00	$102,181.00
JARC Grant Revenue for project						
65100950	435100		0.00		$22,706.00	$22,706.00
JARC Grant Revenue for Operating						
EXPENSE:						
65100951	527102	T1303	0.00		$102,181.00	$102,181.00
Pass Through to Buncombe County Expense						
651000950	521001				$0.00	
651000950	511003				$0.00	
651000950	512002				$0.00	
651000950	512005				$0.00	
651000950	512014				$0.00	
Compensation Expense						
JARC MOUNTAIN MOBILITY PROJECT:						
REVENUE:						
65100951	435000	T1304	0.00		$217,816.00	$217,816.00
JARC Grant Revenue for project						
65100950	435100		0.00		$24,201.00	$24,201.00
JARC Grant Revenue for Operating						
EXPENSE:						
65100951	527102	T1304	0.00		$217,816.00	$217,816.00
Pass Through to Buncombe County Expense						
651000950	521001				$0.00	
651000950	511003				$0.00	
651000950	512002				$0.00	
651000950	512005				$0.00	
651000950	512014				$0.00	
Compensation Expense						
					13. Balance of Transaction:	$46,907.00

141

ORDINANCE NO. 4164

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 12th day of February, 2013.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Emergency Solutions Grant

Magdalen Bowlson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date: 2/12/2013
2. Fiscal Year: **2012-2013**

3. Amendment to Operating __ and/or Capital Project _x_ appropriation.

ıning/Community Development. Division | 2/2/2013 | 6. Department Head Signature
4. Requesting Department | 5. Today's Date

7. Comments/Purpose: To budget State Funded Emergency Solutions Grant for the Asheville-Buncombe Continuum of Care

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
REVENUE			$0	
Restrictd Intergv State Grants				
22004207:436000:D1303	$0	$0.00	$225,628	$225,628
In-Kind External Participation				
22004207:483000:D1303	$0	$0.00	$225,628	$225,628
			$0	
			$0	
EXPENDITURE			$0	
Awarded Grants-ABCCM				
22004231:527101:D1302	$0	$0.00	$12,445	$12,445
Awarded Grants-ABCCM				
22004231:527101:D1303	$0	$0.00	$23,112	$23,112
Awarded Grants- Helpmate				
22004209:527101:D1302	$0	$0.00	$15,000	$15,000
Awarded Grants- Homeward Bound				
22004213:527101:D1302	$0	$0.00	$10,000	$10,000
Awarded Grants- Homeward Bound				
22004213:527101:D1303	$0	$0.00	$80,360	$80,360
Awarded Grants- Salvation Army				
22004243:527101:D1302	$0	$0.00	$23,441	$28,441
Contingencies				
22004207:528013:D1302	$0	$0.00	$56,270	$56,270
In-Kind Services - External				
22004207:521000:D1302	$0	$0.00	$225,628	$225,628

13. Balance of Transaction: $902,512.00

14. Information below is to be completed by Budget AND Research and City Clerk's office.

15. Budget & Research Approval:
16. Ordinance Number:
17. Date Received in Budget & Research:
18. Date Sent to City Clerk:

16. Date Posted:
By:
Sheet #:

Must be received by Budget & Research 14 days prior to the City Council Meeting

ORDINANCE NO. 4165

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 17 AND 23 ELOISE STREET AND 136, 176, and 180 MERRIMON AVENUE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, the owner of the property described below has, pursuant to N.C.G.S. 160A-382 and City Code 7-7-8 requested a Conditional Zoning for said property; and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. Meets Council goal of locating larger commercial uses in appropriate areas easy to access and adequately served by public services.
b. Provides for greater use of a large property on a major thoroughfare within the city limits.
c. Improved transportation amenities, large sidewalks, public open space areas, and greatly enhanced landscaping will improve the aesthetic impact of the site.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PINs 9649.33-7795, 9649.34-9101, 9188, 8159, and 7179 from HB, CBI, and RS-8 (Highway Business, Community Business I, and Residential Single-Family High Density) (herein "Subject Property") districts to HB-CZ (Highway Business Conditional Zoning) district. A copy of the official zoning map showing the Subject Property is attached hereto

as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B", attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. This ordinance shall be enforced as provided in Article XVIII of Chapter 7, and Sec. 1-5 of the Asheville City Code.

Section 5. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 6. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 12th day of February, 2013.

Magdalen Bullock
City Clerk

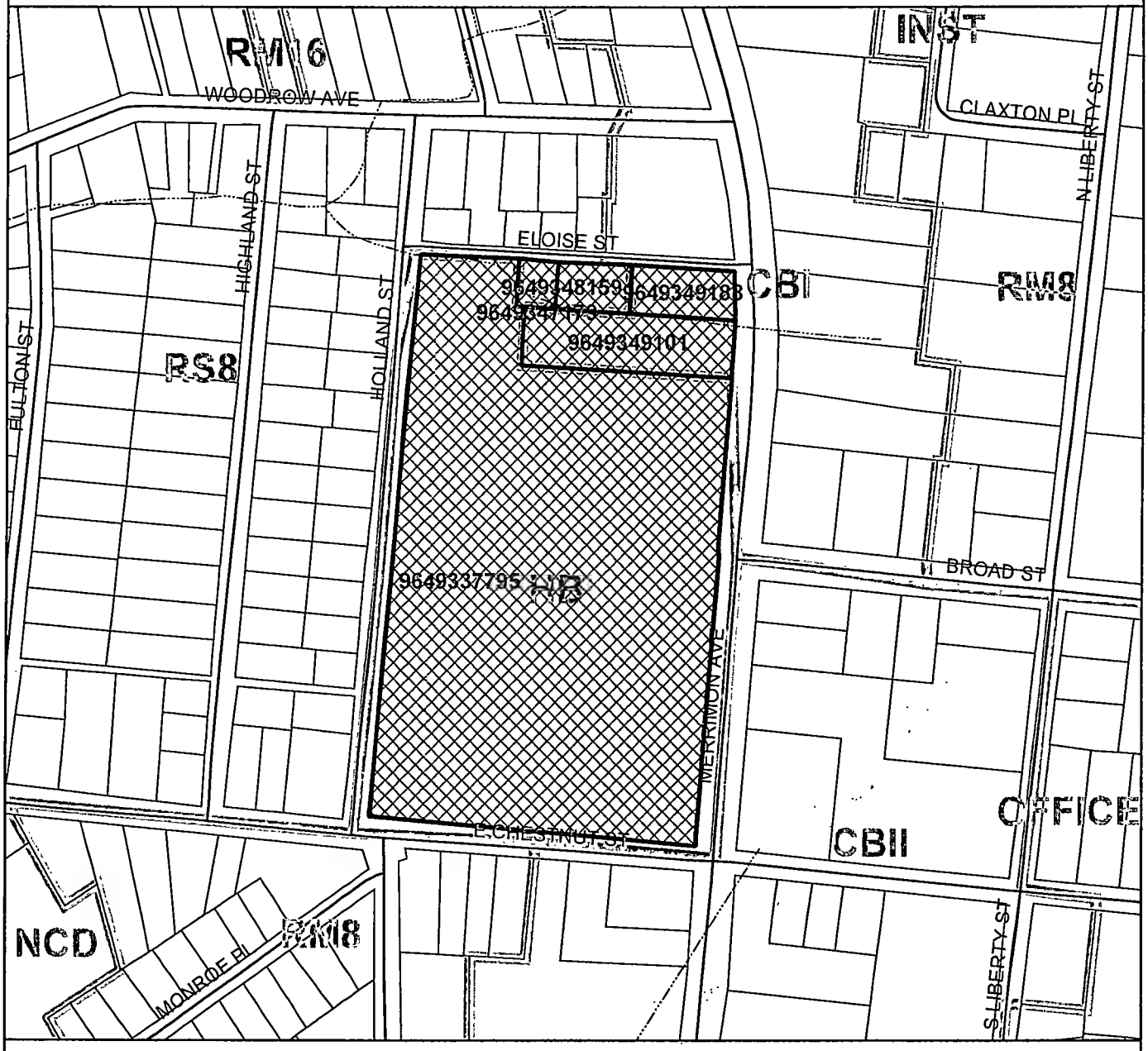
Mayor

Approved as to form:

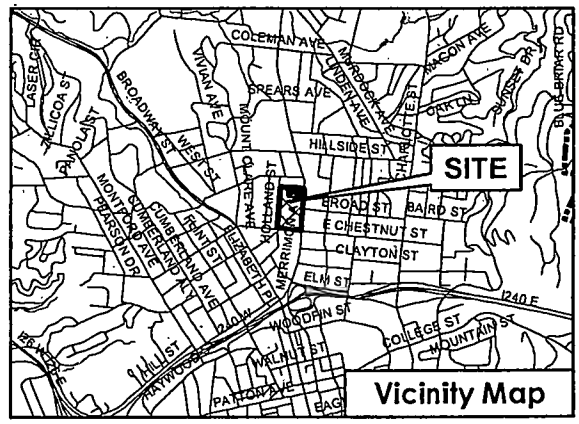
City Attorney

Magdalen Bullock
City Clerk

City of Asheville - Exhibit A Map
Conditional Zoning (CZ) Petition



Project Name:	Harris Teeter Phase 2
Project Number:	CZ 12-51-008
Project Description:	Commercial Development
Petitioner(s):	Garland Hughes
Parcel ID Number(s):	9649.33-7795; 9649.34-9101; 9188; 8159; 7179
Location/Address:	17 & 23 Eloise Street 136. 176, 180 Merrimon



Project Site | Parcels | Zoning Districts | Asheville City Limits | Streets | Streams

City of Asheville Planning and Development Department - 11/12/12

EXHIBIT B
CONDITIONS

1. The Project shall comply with all conditions outlined in the TRC staff report.

2. All site lighting must comply with the City's Lighting Ordinance, Section 7-11-10 of the United Development Ordinance. A detailed lighting plan illustrating compliance with this ordinance, will be required upon submittal of detailed plans to be reviewed by the Technical Review Committee.

3. All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape and grading plans.

4. The building design, construction materials and orientation on the site must comply with the conceptual site plan and building elevations presented with this application. Any deviation from these plans may result in reconsideration of the project by the reviewing boards.

5. This Project will undergo final review by the TRC prior to issuance of any required permits.

6. There may be no more than four new building sites, not including the building site (PIN 9649-33-9995) currently under development for a grocery store. No building erected on those four new building sites may exceed 32 feet in height.

7. Those buildings fronting on Merrimon shall be oriented to the street and placed as close to the street as is reasonably possible based on the ultimate uses.

8. Permitted uses of the Subject Property are listed on Exhibit B-1.

9. The architectural design and building materials used for the new building sites will be similar to that being utilized in the grocery store under construction.

10. There may be no more than one drive thru operation on the Subject Property. That drive-thru operation must be located to the south of the traffic signal to be installed near the northern part of the Subject Property. Drive-thru hours shall be limited to between 6:00 a.m. and 12:00 midnight.

11. A maximum of 25,000 square feet (total) of building space may be constructed on the new building sites.

12. As the uses are submitted for final review, if the traffic counts exceed those indicated in the originally submitted traffic study, a new traffic impact analysis must be conducted and approved, including the traffic impact from the property at the southwest corner of the intersection of Merrimon Avenue and Chestnut Street.

13. A sidewalk must be provided from Merrimon Avenue to the buildings constructed on the outparcels.

14. No dumpster will be located within 100 feet of residential properties.

15. In connection with the issuance of building permits, the developer or applicant shall pay $10,000 to the City to be used exclusively for pedestrian and traffic safety improvements in the vicinity of this project. The first priority for the use of these funds shall be pedestrian safety improvements at the intersection of East Chestnut Street, Holland Street, Maxwell Street, and Monroe Street.

16. A sign will be erected on the subject property at the exit onto East Chestnut Street that reads "No Right Turn for Delivery Trucks" (headed west).

17. Signage shall be limited to what is shown on the submitted plans.

18. An anti-idling policy for delivery vehicles will be in the lease/sale documents for the building sites. Signage indicating "No-Idling" will be placed in all loading areas.

Exhibit B-1

Residential Uses

Dwellings, Duplex
Dwellings, Triplex
Dwellings, Quadraplex
Dwelling, Townhouse
Dwellings, Multifamily
Sustainable Development Projects

Public and Institutional Uses
Institutional Uses

Assisted living facilities
Civic social service & fraternal organizations
Convention, conference, and/or Exhibit Centers
Colleges and Universities
Day Care Center, Adult
Day Care Center, Child
Day Care Home, Adult
Day Care Home, Child
Dormitories
Family Care Homes
Fire/Police stations
Government buildings and uses
Group homes
Hospitals/medical centers
Libraries
Museums
Performance centers
Places of Worship
Post offices without distribution facility
Post office distribution facilities
Public Utilities & related facilities
Schools
Vocational or Technical School

Recreational Uses

Arboretums
Community Centers
Parks, Passive and greenways
Recreational uses, restricted to membership, non-profit
Recreational uses accessory to residential uses

Commercial/Business Uses
Food, Beverage, Entertainment Uses

Eating/drinking establishments (drive-through facility permitted separately)
Nightclubs
Microbrewery
Mobile food vending
Movie theaters
Recreational uses, commercial indoor
Recreational uses, commercial outdoor

Lodging

Vacation resort lodging
Lodging Facilities

Office Uses

Business Incubator
Instructional services
Offices
Radio/Television studios
Research & technology production uses

Retail/Service Uses

Barber shops and beauty salons
Clinics
Clinics, veterinary
Commercial use accessory to residential use
Equipment rental business
Farm Products Market
Financial institutions (drive-through permitted separately)
Funeral establishments
Gasoline sales
Grocery stores (outdoor storage and gasoline sales uses permitted separately)
Hardware/garden supply stores (outdoor storage permitted separately)
Health & fitness facilities
Industrial equipment sales
Laundry/dry cleaning establishments (drive-through facility permitted separately)
Motor vehicle service facility (outdoor storage and gasoline sales permitted separately)
Pharmacies (drive-through facility permitted separately)
Plant sales, nurseries and greenhouses
Printing & publishing
Retail sales (outdoor storage, gasoline sales, drive-through facility uses permitted separately)
Single tenant retail sales, multi-tenant retail structures with GFA of more than 100,000 sq. ft.
Small Engine service and repair
Studios, galleries & workshops for artists, artisans, and craftspeople – low impact
Studios, galleries & workshops for artists, artisans, and craftspeople – high impact

Tailors/dressmaker shops
Taxi stands

Industrial Uses

Wholesale sales

Other Use Types

Accessory structures
Ancillary non-residential uses
Antenna
Commercial satellite dishes & related equipment
Drive-through facilities or uses
Interim uses on vacant lots
Live-work units
Outdoor storage
Parking Decks, Garages, Structures
Parking Lots
Recycling collection centers
Telecommunication towers
Telecommunication tower/support structure concealed
Wireless telecommunication facilities, microcell
Wireless telecommunication facilities, co-location
Wireless telecommunication facilities (concealed)

Uses Expressly Prohibited

Drive-through facilities or uses
Gasoline sales
Outdoor storage
Uses prohibited by Asheville Flood Protection Standards
Uses with outdoor speaker systems

151

ORDINANCE NO. 4166

ORDINANCE AMENDING ZONING FOR PROPERTY(S) LOCATED AT OR NEAR POSSUM TROT (1.35 ACRES)

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. The proposed zoning is appropriate for the location.
b. The sub-standard access road would be problematic for commercial development.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property(s) described in Exhibit A and identified on Buncombe County tax maps as PIN 9626-73-7162 from Commercial Industrial (CI) to RM8 (Residential Multi-Family Medium Density). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. That this ordinance shall be enforced as provided in Sec. 1-5 and Article XVIII of Chapter 7 of the Asheville City Code.

Section 6. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 12th day of February, 2013.

Magdalen Bullion
City Clerk

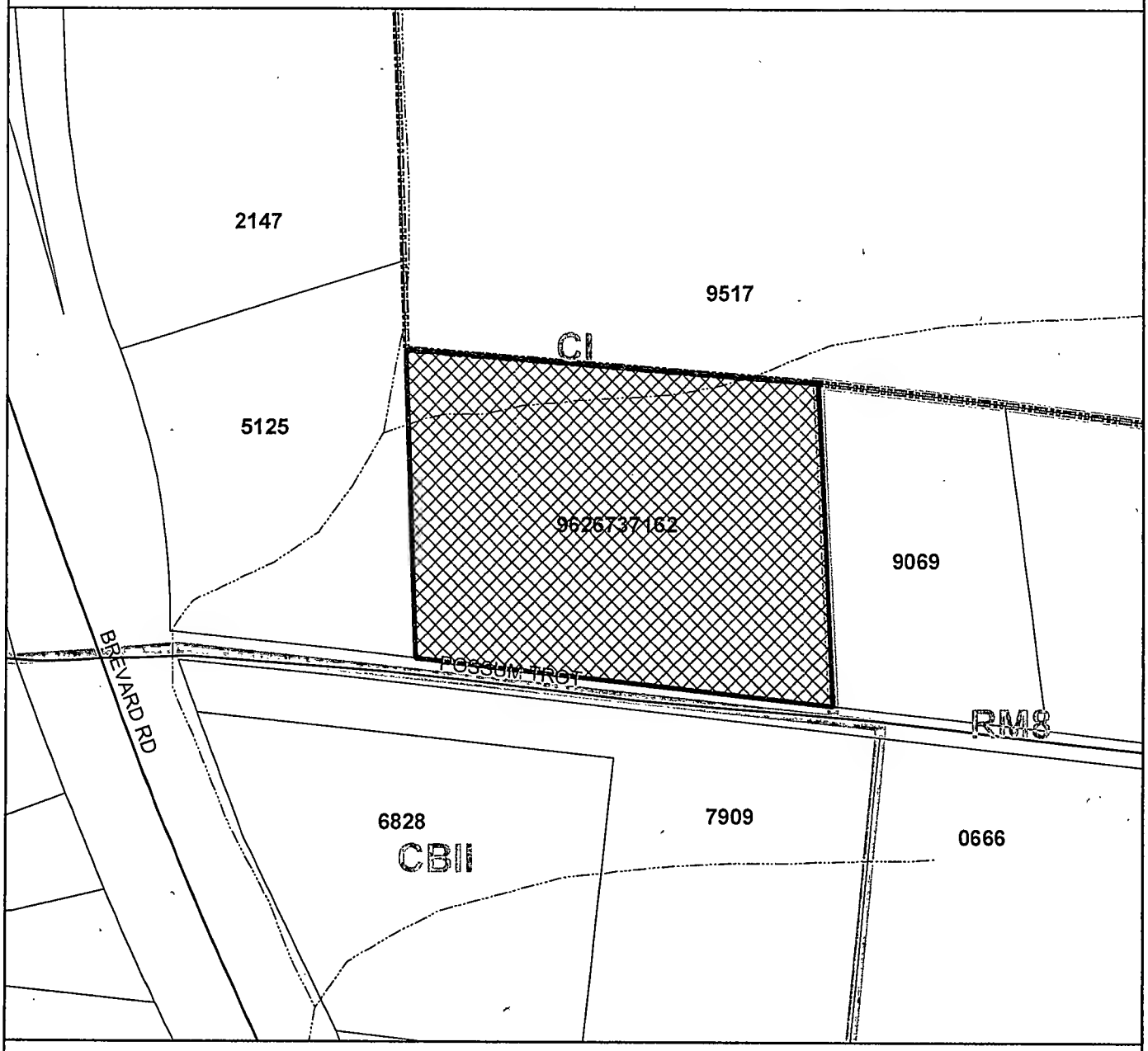
Mayor

Approved as to form:

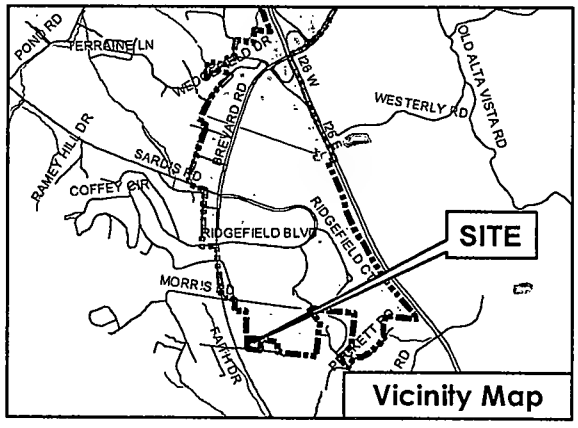
City Attorney

Magdalen Bullion
City Clerk

City of Asheville - Exhibit A Map
Rezoning Petition



Project Name:	Possum Trot (1.35 acres)
Project Number:	REZO 12-50-006
Project Description:	Request CI rezoned to RM8
Petitioner(s):	Steven and Jami Garrett
Parcel ID Number(s):	9626-73-7162
Location/Address:	Possum Trot near Brevard Rd.



Project Site · Parcels · Zoning Districts · Asheville City Limits · Streets · Streams

City of Asheville Planning and Development Department - December 17, 2012

153

ORDINANCE NO. 4167

ORDINANCE AMENDING ZONING FOR PROPERTY(S) LOCATED AT OR NEAR 152 MONTFORD AVENUE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. The proposed zoning is consistent with existing instances of the same zoning district on the same corridor.
b. The Comprehensive Plan promotes adaptive reuse of such sites.
c. The building's architecture is better suited for commercial use than residential.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

> The zoning classification of that certain real property(s) described in Exhibit A and identified on Buncombe County tax maps as 9649-12-0436 from RM8 (Residential Multi-Family Medium Density) to Neighborhood Business (NB). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining

portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. This ordinance is enforceable as provided in the Asheville City Code, including Article XVIII of Chapter 7, and Sec. 1-5.

Section 6. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 26th day of February, 2013.

Magdalen Burleson
City Clerk

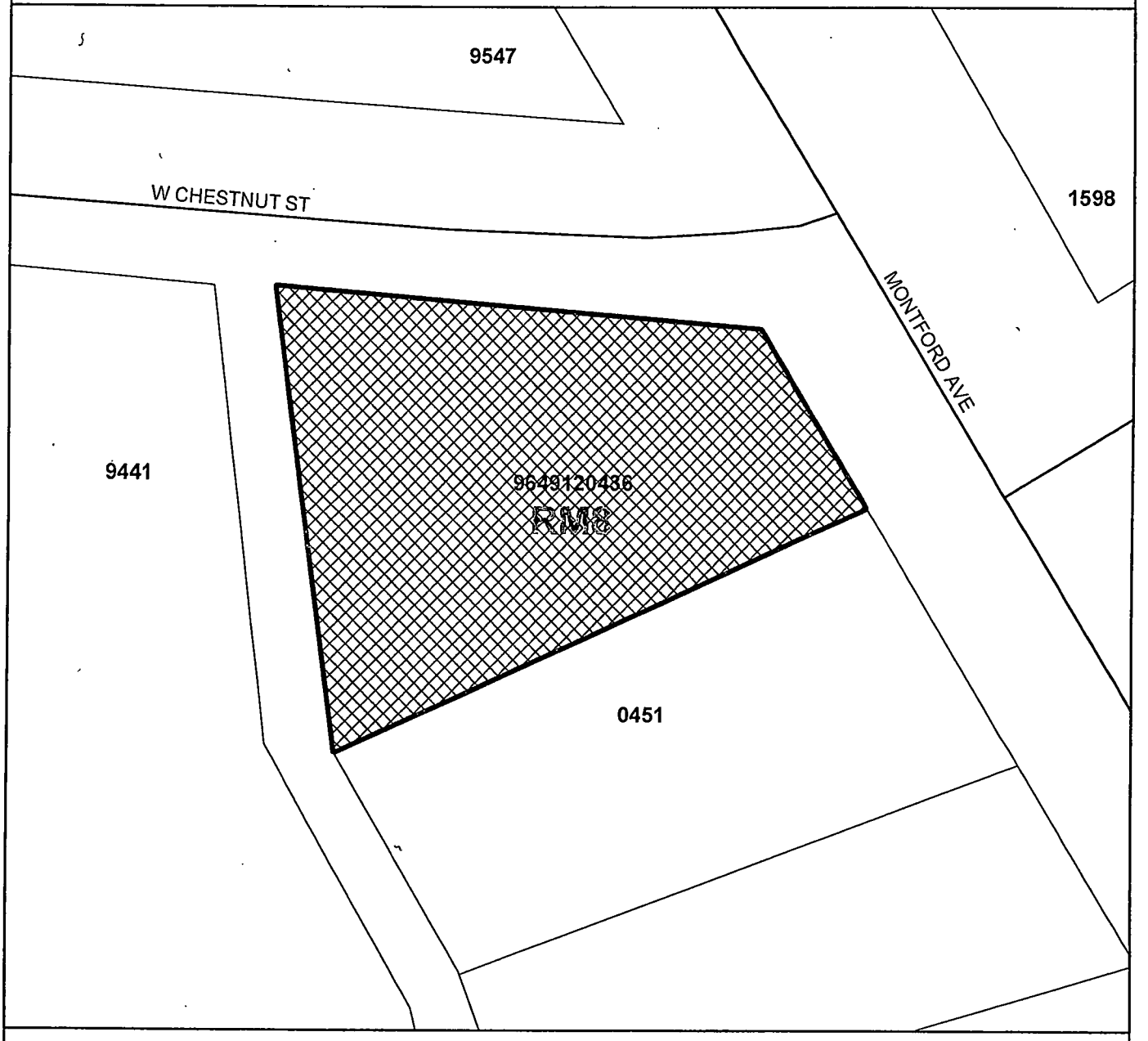
Mayor

Approved as to form:

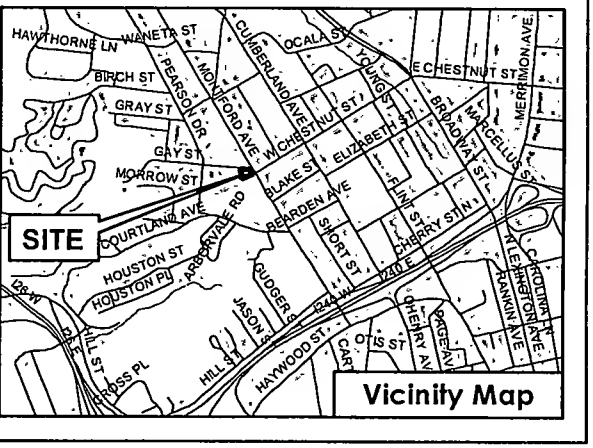
City Attorney

Magdalen Burleson
City Clerk

City of Asheville - Exhibit A Map
Rezoning Petition



Project Name:	152 Montford Avenue
Project Number:	RZ 12-50-007
Project Description:	Change zoning from RM8 to NB
Petitioner(s):	Michael McDonough
Parcel ID Number(s):	9649-12-0436
Location/Address:	SW Corner, Montford & Chestnut



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Development Department - January 22, 2013

ORDINANCE NO. 4168

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO DEFINE TWO-STORY REQUIREMENTS AND PERMIT ONE-STORY ADDITIONS TO EXISTING BUILDINGS IN THE CENTRAL BUSINESS DISTRICT

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the City of Asheville establishes requirements for new development and building additions in the Central Business District; and

WHEREAS, new construction is required to be a minimum of two-stories with a zero setback from the property line; and

WHEREAS, there are a number of instances where one-story additions are proposed to existing structures which are 'grandfathered' in their current condition and configuration on a parcel with placement of the additions influenced by the location of the existing building or the function of the proposed addition; and

WHEREAS, this proposed amendment will provide practical relief in some circumstances and clarifies what is expected with the two-story minimum requirement, and

WHEREAS, the proposed amendment is consistent with the Downtown Master Plan, the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. renovations and additions to existing buildings meet economic development and historic preservation goals
b. additions do not always comply with zoning requirements since the existing building is 'grandfathered' and may not meet all of the development standards
c. the amendments will make the ordinance responsive to recent development trends being experienced in the *Central Business District* zoned areas

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Chapter 7 of the Asheville City Code be amended as follows:

a. Section 7-2-5 is revised to add the following definition, inserted in alphabetical order:

"*Mezzanine* means a low-ceilinged story between two main stories of a building; especially an intermediate story that projects in the form of a balcony ."

b. Section 7-8-18(f)(5)d is revised to read:

"d. A greater setback is determined as part of a design review process or is the result of an addition (that is otherwise compliant with this article) to an existing building."

c. Section 7-8-18(f)(7) be revised with the following addition:

"(7) Height standards. For the definition of height see *building height* in section 7-2-5 of this chapter. The minimum height for new structures in the Central Business District will be two stories (a minimum of 24'). Maximum building height will be determined according to the context transition edge map, the height zone map, the height zone edge setback and shadow impacts described below and with maps following this section."

d. Section 7-8-18(f)(7) is revised:

1. By adding a new subsection a. to read:

"a. The two-story requirement for new construction will mean that:
1. a second floor is provided as a full occupiable floor and a mezzanine level will not be sufficient to meet this requirement; and
2. civic uses such as places of worship, arenas, auditoriums, and performance centers will not be required to meet the two-story requirement described in subsection *1* above."

2. By re-designating subsections a, b, c and d as subsections b, c, d, and e.

e. By adding a new subsection f. to read:

"e. One story additions to existing buildings are approved under the following circumstances:

1. Additions are permitted when they are:

a. 1,000 square feet or less, or

b. the addition does not expand the footprint of the existing building by more than 20%; and

c. the addition is located no closer than 5 feet of the primary façade of an existing contributing structure in the *Downtown National Register District*, or is located at the rear of the existing building so there is no affect on the primary facade, or for non-contributing structures is placed to make the existing building either equal to or more compliant with setback requirements; and

d. as measured from the primary street façade, the width of the addition shall not exceed 50% of the width of the existing building, and

e. other fenestration and design requirements if any, apply;

2. One-story accessory structures, that are in support of a primary use on a site are allowed when

a. placement of the accessory structure is behind or to the side of the primary building or in the case of outside dining spaces for restaurants, may be placed at the front of the lot to enhance activity at the sidewalk level, and

b. fenestration and design requirements if any, apply.

Other additions that fall outside of these provisions may be considered by the Planning and Zoning Commission following the usual process for variances, which includes a recommendation from the Downtown Commission."

e. Section 7-8-18(13)(a)(1) is revised by adding a new subsection g to read:

"g. When an existing one-story building that is a contributing structure in the downtown national register district will be incorporated into a development proposal that may include a single or multi-story addition, it will be deemed to satisfy the requirement or that portion of the requirement for the streetwall."

f. Section 7-8-18(g)(5) "Front" is revised to read:

"Front:
Minimum setback: Zero feet from the right-of-way line.
Maximum setback: Zero feet from the right-of-way line; with the exception that a setback of up to 20 feet is allowed for the creation of courtyard spaces. A greater setback that is the result of an addition to an existing building may also exceed the zero setback standard."

g. Section 7-8-18(g)(7) is revised to read:

"(7) Height standards. For the definition of height see *building height* in section 7-2-5 of this chapter. The minimum height for new structures in the Central Business District will be two stories (a minimum of 24'). Maximum building height will be 75 feet.

Actual building heights may exceed this height by an additional overall amount of 30 feet to accommodate such uses as the final occupied floor, mechanical penthouses and roof cap features.

a. The two-story requirement for new construction will mean that:
1. a second floor is provided as a full occupiable floor and a mezzanine level will not be sufficient to meet this requirement; and
2. civic uses such as places of worship, arenas, auditoriums, and performance centers will not be required to meet the two-story requirement described in subsection *1* above.

b. One story additions to existing buildings are approved under the following circumstances:
1. Additions are permitted when they are:
a. 1,000 square feet or less, or

b. the addition does not expand the footprint of the existing building by more than 20%; and

c. the addition is located no closer than 5 feet of the façade of an existing contributing structure in the *Aycock School* or *End of Car Line* National Register Districts, or is located at the rear of the existing building so there is no affect on the primary facade, or for non-contributing structures is placed to make the existing building either equal to or more compliant with setback requirements; and

d. as measured from the primary street façade, the width of the addition shall not exceed 50% of the width of the existing building, and

e. other fenestration and design requirements if any, apply,

2. One-story accessory structures, that are in support of a primary use on a site are allowed when

a. placement of the accessory structure is behind or to the side of the primary building or in the case of outside dining spaces for restaurants, may be placed at the front of the lot to enhance activity at the sidewalk level, and

b. fenestration and design requirements if any, apply."

Section 2. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. This ordinance is enforceable as provided in the Asheville City Code, including Article XVIII of Chapter 7, and Sec. 1-5.

Section 5. This ordinance is effective upon adoption.

Read, approved, and adopted this 26th day of February, 2013.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

ORDINANCE NO. 4169

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 12th day of March 2013.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: To set the project budget to purchase one 30-foot diesel bus.

Magdalen Burleson
City Clerk

161

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2012-13

3. Amendment to Operating _x___ and/or Capital Project ____ appropriation.

Transit	3/12/2012	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: to budget funding for bus purchase

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
6510 Fund:				
Revenue:				
Federal Grant				
65100950:435000:T1305	$0.00		$320,000.00	$320,000.00
Intrafund Project Transfer - Transit Reserves				
65100950:498999:T1305	$0.00		$26,177.00	$26,177.00
Oper Trfs Cap Project Fd - Capital Reserves				
65190950:498401:T1305	$0.00		$53,823.00	$53,823.00
Expenditure:				
Mach & Equipment				
65100950:614101:T1305	$0.00		$400,000.00	$400,000.00
4100 Fund				
Revenue:				
Op Transfer Cap Reserve				
41090031 498202 A0901	$284,000.00		$337,823.00	$53,823.00
Expenditure:				
Transfer to Transit Capital				
41090031 800651 A0901	$0.00		$53,823.00	$53,823.00
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:
16. Ordinance Number:
17. Date Received in Budget & Research:
18. Date Sent to City Clerk:

19. Date Posted:
By:
Sheet #:

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4170

ORDINANCE AMENDING ARTICLE III OF CHAPTER 9 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE PERTAINING TO MASSAGE AND BODYWORK THERAPY REGULATIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Article III of Chapter 9 of the Code of Ordinances of the City of Asheville is hereby repealed and replaced with the following:

ARTICLE III. MASSAGE AND BODYWORK THERAPY REGULATIONS

(a) Sec. 9-131. Purpose and objective.

The City of Asheville recognizes that the improper practice of massage and bodywork therapy is potentially harmful to the public. In the interest of public health, safety, welfare and morals, the following provisions and regulations are hereby adopted.

(b) Sec. 9-132. Definitions.

As used in this article, the terms defined in this section shall have the following meanings ascribed to them:

Massage and bodywork therapy means systems of activity applied to the soft tissues of the human body for therapeutic, educational, or relaxation purposes. The application may include:

a. Pressure, friction, stroking, rocking, kneading, percussion, or passive or active stretching within the normal anatomical range of movement.
b. Complementary methods, including the external application of water, heat, cold, lubricants, and other topical preparations.
c. The use of mechanical devices that mimic or enhance actions that may possibly be done by the hands.

Massage and bodywork therapist means a person licensed pursuant to Article 36 of Chapter 90 of the North Carolina General Statutes.

Massage and bodywork therapist establishment/business means any establishment or business wherein massage and bodywork therapy is offered or practiced, including, but not limited to, establishments commonly known as health clubs, physical culture studios, massage studios, massage parlors, or similar establishments by whatever name designated.

Practice/Profession of massage and bodywork therapy means the application of massage and bodywork therapy to any person for a fee or other consideration. This does not include any of the procedures, practices or activities listed in N.C.G.S. §90-623(d).

Private parts means the anus, penis, scrotum, mons veneris, vulva or vaginal area.

(c) Sec. 9-134. License.

Any person practicing the profession of massage and bodywork therapy shall have a current state massage and bodywork therapy license issued pursuant to Article 36 of Chapter 90 of the North Carolina General Statutes, unless exempted pursuant to N.C.G.S. §90-624.

Any person practicing the profession of massage and bodywork therapy who has a current state massage and bodywork license issued pursuant to Article 36 of Chapter 90 of the North Carolina General Statutes is exempt from a city privilege license tax.

(d) Sec. 9-135. Hours of operation.

No massage and bodywork therapist or massage and bodywork therapy establishment shall engage in massage and bodywork therapy on any person or engage in the practice or profession of massage and bodywork therapy before 5:00 a.m. or after 11:30 p.m.

(e) Sec. 9-136. Massage of private parts for hire prohibited.

It shall be unlawful for any person to massage or to offer to massage the private parts of another for hire.

(f) Sec. 9-137. Patronage of massage businesses by minors; employment of minors.

(1) No massage and bodywork therapist or massage and bodywork therapy establishment shall massage or treat any person under the age of 18 years, or permit or condone such treatment, except when the parent or guardian of the person under 18 accompanies the person under the age of 18 during the massage treatment or upon written order of a licensed physician, osteopath, chiropractor, podiatrist, or registered physical therapist, such order being dated and in the possession of the person giving the massage or treatment.

(2) No massage and bodywork therapist or massage and bodywork therapy establishment shall employ any person under the age of 18 years in the practice or profession of massage and bodywork therapy.

(g) Sec. 9-138 Display of licensure.

Every massage and bodywork therapist shall display the current state massage and bodywork therapy license issued pursuant to Article 36 of Chapter 90 of the North Carolina General Statutes in a prominent place at his or her primary place of business/establishment so as to be visible for inspection. Massage and bodywork therapists providing massage and bodywork therapy outside their primary business/establishment location or at the location of clients, shall have a copy of the license available for inspection upon request.

(h) Sec. 9-139. Penalties.

Violation of this section shall be a misdemeanor and shall be punishable as provided in N.C.G.S. §14-4.

(i) Secs. 9-140-9-170 Reserved.

Section 2. This ordinance is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation or other provision of law.

Section 3. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. All ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. The provisions of this ordinance shall be in full force and effect upon adoption.

Read, approved and adopted this the 12th day of March, 2013.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

165

ORDINANCE NO. 4171

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 26th day of March, 2013

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Use of Federal Reimbursement monies to offset overtime expenses related to OCDETF operations.

Magdalen Bowleson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date: 3/26/2013
2. Fiscal Year: 2012-2013

3. Amendment to Operating ____ and/or Capital Project __X__ appropriation.

Police — 4. Requesting Department
3/26/2013 — 5. Today's Date
6. Department Head Signature

7. Comments/Purpose: to budget federal reimbursement for overtime expenses related to Organized Crime Drug Enforcement Task Force (OCDETF) participation.

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Federal Grants				
22000121 435000 P1305	$0	$0.00	$10,000	$10,000
Expenditure:				
Overtime				
22000121 511004 P1305	$0	$0	$10,000	$10,000

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:
16. Ordinance Number:
17. Date Received in Budget & Research:
18. Date Sent to City Clerk:

19. Date Posted:
By:
Sheet #:

Must be received by Budget & Research 14 days prior to the City Council Meeting.

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ORDINANCE NO. 4172

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 26th day of March, 2013.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Purdue Pharma Prescription Drug Abuse Awareness Recognition Program

Magdalen Bullock
City Clerk

City of Asheville

Budget Amendment Details

1. Effective Date:

2. Fiscal Year: 2012-13

3. Amendment to Operating ____ and/or Capital Project _X_ appropriation.

4. Requesting Department: Police Dept

5. Today's Date:

6. Preparer's Name:

7. Comments/Purpose: Purdue Pharma grant

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Private Donations			$0	
22000122:483300:P1301	$0	$0	$5,000	$5,000
			$0	
Expenditures:			$0	
Supplies - Other			$0	
22000122:524001:P1301	$0	$0	$2,000	$2,000
Awarded Grants			$0	
22000122:527101:P1301	$0	$0	$3,000	$3,000
			$0	
			$0	
			$0	
			$0	
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			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\EAinstr.doc

169

ORDINANCE NO. 4173

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY(S) LOCATED AT 11 MYRA PLACE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. The proposal is aligned with Council's goals for infill development and additional residential density where appropriate;
b. This action will allow for an open, stalled construction site to be completed.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

> The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9618.90-9765 from (RS-4) Residential Single-Family Medium Density district to (RM-6) Residential Multi-Family Medium Density district. A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B", attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 26th day of March, 2013.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

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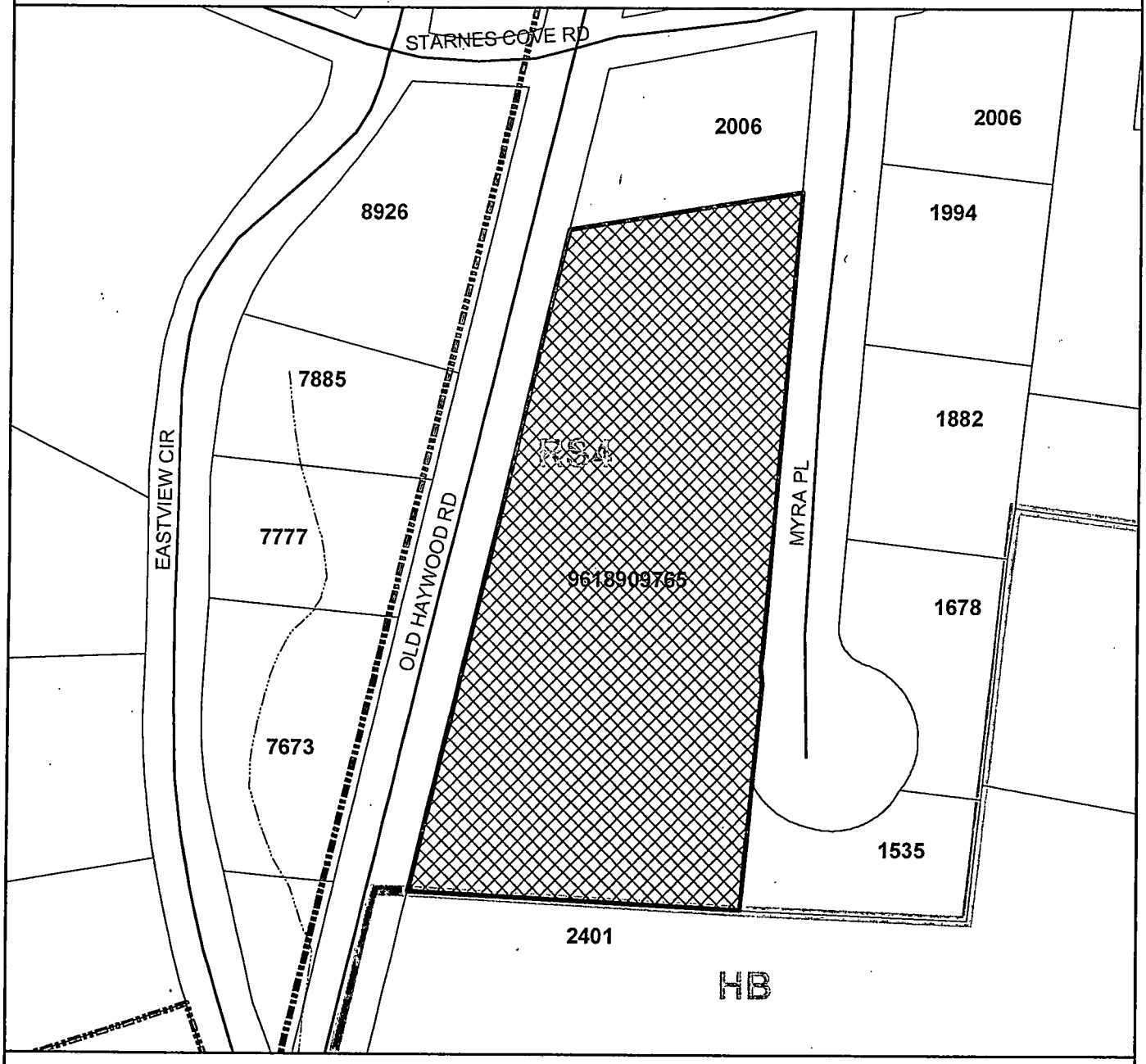
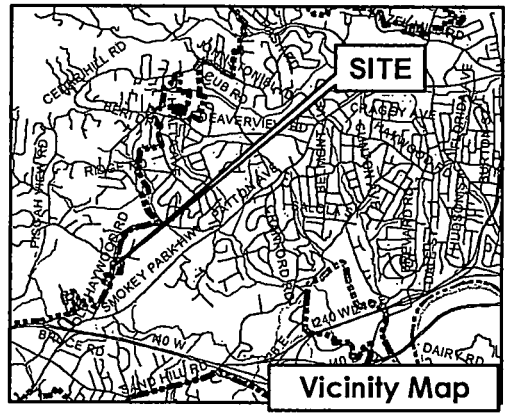
City of Asheville - Exhibit A Map
Conditional Zoning Petition (RM-6)



Project Name: Myra Village
Project Number: CZ 13 - 51 - 001
Project Description: Completion of existing site work and new construction for 9 residential units
Petitioner(s): James Mock
Parcel ID Number(s): 9618.90-9765
Location/Address: 11 Myra Place



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Development Department - February 6, 2013

EXHIBIT B
CONDITIONS

1. The Project shall comply with all conditions outlined in the TRC staff report.

2. All site lighting must comply with the City's Lighting Ordinance, Section 7-11-10 of the United Development Ordinance. A detailed lighting plan will be required upon submittal of detailed plans to be reviewed by the Technical Review Committee.

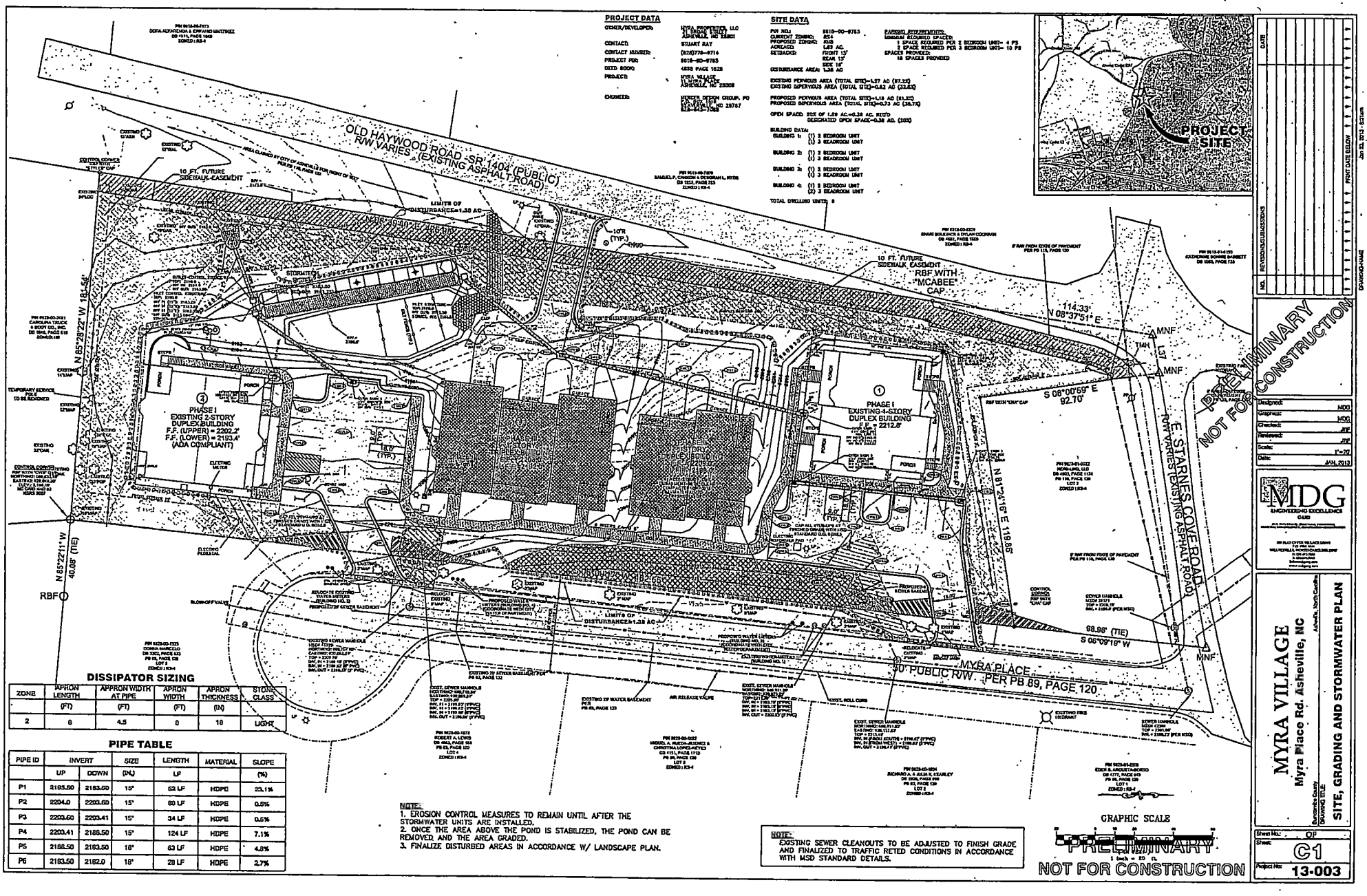
3. All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape and grading plans, submitted with this application.

4. The building design, construction materials and orientation on site must substantially comply with the conceptual site plan and building elevations presented with this application and attached as Exhibit B-1 and B-2. Any deviation from these plans may result in reconsideration of the project by the reviewing boards.

5. This Project will undergo final review by the TRC prior to issuance of any required permits.

6. The sidewalk easement must be recorded prior to final zoning approval.

Exhibit B-1



DISSIPATOR SIZING

ZONE	APRON LENGTH (FT)	APRON WIDTH AT PIPE (FT)	APRON WIDTH (FT)	APRON THICKNESS (IN)	STONE CLASS
2	8	4.5	8	18	LIGHT

PIPE TABLE

PIPE ID	INVERT UP	INVERT DOWN	SIZE (IN.)	LENGTH LF	MATERIAL	SLOPE (%)
P1	2183.50	2183.00	15"	52 LF	HDPE	23.1%
P2	2204.0	2203.60	15"	80 LF	HDPE	0.5%
P3	2203.60	2203.41	15"	34 LF	HDPE	0.6%
P4	2203.41	2188.50	15"	124 LF	HDPE	7.1%
P5	2188.50	2183.50	18"	63 LF	HDPE	4.8%
P6	2183.50	2182.0	18"	28 LF	HDPE	2.7%

NOTE:
1. EROSION CONTROL MEASURES TO REMAIN UNTIL AFTER THE STORMWATER UNITS ARE INSTALLED.
2. ONCE THE AREA ABOVE THE POND IS STABILIZED, THE POND CAN BE REMOVED AND THE AREA GRADED.
3. FINALIZE DISTURBED AREAS IN ACCORDANCE W/ LANDSCAPE PLAN.

NOTE:
EXISTING SEWER CLEANOUTS TO BE ADJUSTED TO FINISH GRADE AND FINALIZED TO TRAFFIC RETED CONDITIONS IN ACCORDANCE WITH MSD STANDARD DETAILS.

PRELIMINARY
NOT FOR CONSTRUCTION

NO.	REVISIONS/SUBMISSIONS	DATE

Designed: MDG
Graphics: MDG
Checked: JHE
Reviewed: JHE
Scale: 1"=20
Date: JAN. 2013

MDG
ENGINEERING EXCELLENCE
CLIENT

MYRA VILLAGE
Myra Place Rd. Asheville, NC
Asheville, North Carolina
Buncombe County
DRAWING TITLE:
SITE, GRADING AND STORMWATER PLAN

Sheet No.: OF
Sheet: C1
Project No: 13-003

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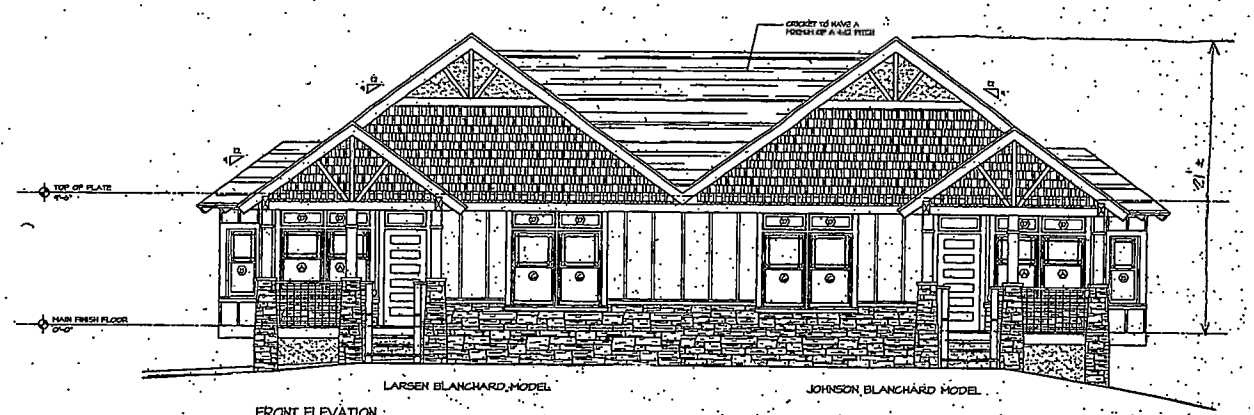
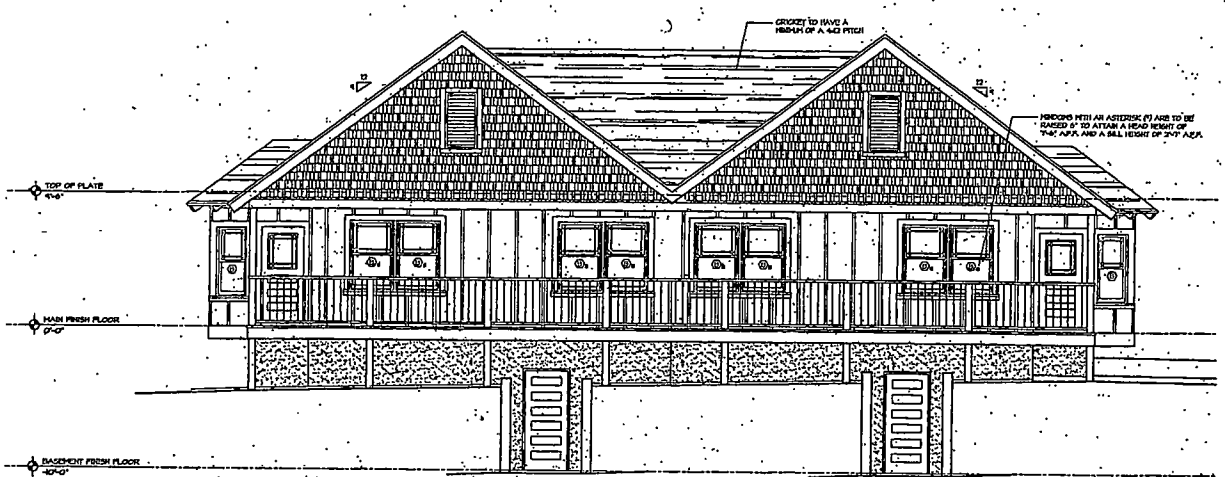
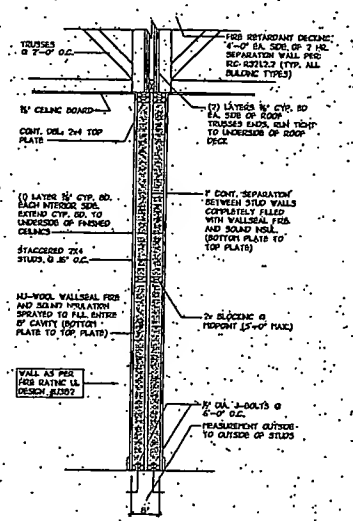
Exhibit B-2



FRONT ELEVATION
SCALE: 1/4" = 1'-0"


GROOVE TO HAVE A MINIMUM OF A 4:12 PITCH
WINDOWS WITH AN ASTERISK (*) ARE TO BE RAISED 6" TO ATTAIN A HEAD HEIGHT OF 7'-0" A.F.F. AND A SILL HEIGHT OF 3'-0" A.F.F.
TOP OF PLATE
MAIN FINISH FLOOR
JOHNSON BLANCHARD MODEL
LARSEN BLANCHARD MODEL

REAR ELEVATION
SCALE: 1/4" = 1'-0"


TRUSSES @ 2'-0" O.C.
5/8" CEILING BOARD
CONT. DBL. 2x4 TOP PLATE
(2) LAYERS 5/8" CYP. BD EA. SIDE OF ROOF TRUSSES EXTD. SEAL TIGHT TO UNDERSIDE OF ROOF DECK
(2 LAYER 5/8" CYP. BD. EACH INTERIOR SIDE, EXTEND CYP. BD. TO UNDERSIDE OF FINISHED CEILINGS
STAGGERED 2X4 STUDS @ 16" O.C.
ALL-WOOD WALLSEAL FIBER AND SOUND INSULATION SPRAYED TO FILL ENTIRE DEPTH OF CAVITY (BOTTOM PLATE TO TOP PLATE)
WALL AS PER FIRE RATING UL DESIGN #U307
2x BLOCKING @ MIDPOINT (5'-0" MAX.)
5/8" DIA. J-BOLTS @ 6'-0" O.C.
MEASUREMENT OUTSIDE TO OUTSIDE OF STUDS

1 A2.1 THRU TENANT SEPARATION WALL
SCALE: 3/4" = 1'-0"
2-HOUR RATED WALL

PROJECT DATA

OWNER/DEVELOPER: MYRA PROPERTIES, LLC
53 ASHELAND AVE.
ASHEVILLE, NC 28801

CONTACT: STUART RAY

CONTACT NUMBER: (828)779-8714

PROJECT PIN: 9618-90-9783

DEED BOOK: 4838 PAGE 1628

PROJECT: MYRA VILLAGE
ASHEVILLE, NC 28806

ENGINEER: STRIKER DESIGN GROUP, PC
53 ASHELAND AVE.
ASHEVILLE, NC 28801
828-575-1559

SITE DATA

PIN NO.: 9618-90-9783
CURRENT ZONING: RS4
PROPOSED ZONING: RM8
ACREAGE: 2.89 AC.
SETBACKS: FRONT 15'
REAR 15'
SIDE 10'
DISTURBANCE AREA: 1.38 AC

EXISTING PERVIOUS AREA (TOTAL SITE)=1.17 AC (67.2%)
EXISTING IMPERVIOUS AREA (TOTAL SITE)=0.53 AC (33.8%)

PROPOSED PERVIOUS AREA (TOTAL SITE)=0.18 AC (21.5%)
PROPOSED IMPERVIOUS AREA (TOTAL SITE)=0.73 AC (38.7%)

OPEN SPACE: 20% OF 1.89 AC.=0.38 AC. REQ'D
DESIGNATED OPEN SPACE=0.38 AC (20%)

BUILDING DATA
BUILDING a: (1) 2 BEDROOM UNIT
(1) 3 BEDROOM UNIT
BUILDING b: (1) 2 BEDROOM UNIT
(1) 3 BEDROOM UNIT
BUILDING 3: (1) 2 BEDROOM UNIT
(1) 3 BEDROOM UNIT
BUILDING 4: (1) 2 BEDROOM UNIT
(1) 3 BEDROOM UNIT

TOTAL DWELLING UNITS: 8

PARKING REQUIREMENTS
GARAGE REQUIRED SPACES:
1 SPACE REQUIRED PER 2 BEDROOM UNIT= 4 PS
2 SPACE REQUIRED PER 3 BEDROOM UNIT= 10 PS
SPACES PROVIDED
18 SPACES PROVIDED

Myra Place
Blanchard Model -
Larsen / Johnson Job
Old Haywood and Starnes Cove Rd.
Asheville, NC 28715.

Myra Place, LLC
Contact Person: Art Carter
53 Asheland Ave. - Suite 102-B
Asheville, NC 28801
(828) 275-1559

Drawing Issued: Date
- Propose set 10/27/10
- Propose set 11/8/10
- Propose set 11/17/10
- Propose set 12/10/10
- Propose set 12/28/10

Revisions: Date

DO NOT SCALE DRAWINGS TO DETERMINE DISTANCES AND DIMENSIONS

Sheet Title
Front and Rear Elevations
Blanchard-Attached Duplex

Sheet Number:
A2.1

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ORDINANCE NO. 4174

ORDINANCE ADOPTING THE FISCAL YEAR 2013-14 FEES & CHARGES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the attached Fiscal Year 2013-14 fees and charges, attached to and made a part of this ordinance, be adopted.

That this ordinance shall be in full force and effect upon July 1, 2013.

Read, approved and adopted this 26th day of March, 2013.

Magdalen Bourleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

Item or Service	Current Fee	Proposed New Fee	Additional Revenue
Development Services			
Expedite Review Fee	$100 per hour per staff person with a $200 minimun for building and fire code only	The same fee but include all reviews for Level I and small permits	$3,000
Permits for City-owned Facilities	Per schedule based on cost of work	$0	Loss of $5,000 to $15,000
Information Technology			
Hardcopy Maps	Various depending on size	Eliminate provision of hardcopy maps	Loss of less than $100
Parking			
Boot Fee	$25	$50	$2,100
Garage Maximums	$8.00 per 24 hour period Civic Center, Rankin Avenue, Wall Street garages, after first hour free	$10.00 per 24 hour period Civic Center, Rankin Avenue, Wall Street garages, after first hour free	$14,500
Hourly Fees	$.75 per hour; Civic Center, Rankin Avenue, Wall Street garages, after first hour free	$1.00 per hour; Civic Center, Rankin Avenue, Wall Street garages, after first hour free	$105,000
Meters	$1.00 per hour	$1.25 per hour	$240,000
Monthly Surface Parking Lot Fee	$55.00 per month	$60.00 per month	$3,600
Lost Ticket Fee	$8.00/$10.00 depending on garage	$20.00 all garages	$5,000
Monthly Surface Lot Vanderbilt/Battery Park Apart. Residents	$27.50 per month	$30.00 per month	$250
Parks & Recreation			
Refundable Deposit (clarification)	$200 refundable deposit for City owned facilities	$200 refundable deposit for City owned facilities to include athletic facilities and Pack Square Park	$800
Afterschool Program Adventures (See attached detail also):			
City Residents	$30 per week	$50 per week	
Free/Reduced Lunch	N/A	$30 per week	
Special Needs/Therapeutic	$25 per week	$30 per week	
Non-City Residents	$36 per week	$75 per week	
Free/Reduced Lunch	N/A	$60 per week	$100,000
Summer Camp Program Playground/Teen (See attached detail also):			
City Residents	$105 per week	$105 per week	
Free/Reduced Lunch	N/A	$75 per week	
Non-City Residents	$115 per week	$175 per week	
Free/Reduced Lunch	N/A	$150 per week	$100,000

Item or Service	Current Fee	Proposed New Fee	Additional Revenue
Parks & Recreation (Cont)			
Athletic Season Outdoor Field Usage:			
Community Programs w/o Lights	$125 per season	$350 per season	
Community Programs with Lights	$125 per season	$750 per season	
Non-Residents Fees:	$10 per season	$25 per season	$5,000
Picnic Shelter	$30.00 per 4-hour block of time; $5.00 each hour thereafter	$40.00 day	$3,965
Corporate Shelter Rental (Carrier Park)	$100.00 for 3 hours	$150.00 per day	
Rental - Athletic Facilities			
Memorial Stadium			
Without Lights	$500	$650 4 hr	
With Lights	$650	$850 4hr	
Beer Sales/Use is permitted	$100 addition to rental		$5,000
Athletic Fields			
Without Lights	$100 per day/$50 half day	$200 4 hr	
With lights	$150 per day	$300 4 hr	
Weekend without lights	$250	$800	
Weekend with lights	N/A	$1,200	
Additional Fields	$100	$300	$5,000
Civic Center			
Arena Rent	Ticketed Events: $2,750.00 or 10% of Gross Ticket Sales net of related taxes, whichever is greater, computed per performance. Gross is defined as actual gross receipts less appropriate North Carolina taxes. An additional fee of $200.00 vs. 3% of gross receipts from receipts from ticket sales is added to either type of rental payment, whichever is greater. Tickets must be sold by Civic Center Box Office.	Ticketed Events: $2,750.00 versus 10% of Gross Ticket Sales net of related taxes. (Gross is actual gross less 3% North Carolina Amusement Tax and a 2% City Surcharge). Tickets must be sold by US Cellular Center Box Office.	$0
Arena Rent	All Other Events: $2,750.00 per day. Not to exceed 8 hours of occupancy. Additional time - $200.00 per hour.	All Other Events: $2,750.00 per day. (Day defined as 8:00 am to 12:00 midnight, each hour after midnight charges at $50/hour).	$0
Thomas Wolfe Auditorium	Ticketed Events: $1,350.00 or 10% of Gross Ticket Sales net of related taxes, whichever is greater, computed per performance. Gross is defined as actual gross receipts less appropriate North Carolina taxes. An additional fee of $200.00 vs. 3% of gross receipts from receipts from ticket sales is added to either type of rental payment, whichever is greater. Tickets must be sold by Civic Center Box Office.	Ticketed Events: $1,350.00 versus 10% of Gross Ticket Sales net of related taxes. (Gross is actual gross less 3% North Carolina Amusement Tax and a 2% City Surcharge). Tickets must be sold by US Cellular Center Box Office.	$0

Item or Service	Current Fee	Proposed New Fee	Additional Revenue
Civic Center (Cont)			
Exhibit Hall	Ticketed Events: $1,000.00 or 10% of Gross Ticket Sales net of related taxes, whichever is greater, computed per performance. gross is defined as actual gross receipts less the appropriate North Carolina taxes. An additional fee of $200.00 vs. 3% of gross receip	Ticketed Events: $1,000.00 versus 10% of Gross Ticket Sales net of related taxes. (Gross is actual gross less 3% North Carolina Amusement Tax and a 2% City Surcharge). Tickets must be sold by US Cellular Center Box Office.	$0
Exhibit Hall	All Other Events: $1,000.00 per day. Not to exceed 8 hours of occupancy. Additional time - $100.00 per hour.	All Other Events: $1,000.00 per day. (Day defined as 8:00 am to 12:00 midnight, each hour after midnight charges at $25/hour).	potential positive impact, up to $1000 throughout the year
Banquet Hall & Arena Level Meeting Rooms	$500.00 rental for each 8 hour period per day. Additional hours at $50.00 each. Time after 12 AM is $100.00 per hour.	$500.00 rental. For all hours outside standard business hours (defined as 8:00 am to 5:00 pm Monday through Friday) an additional fee of $25.00/hour will be charged.	positive impact, hard to forecast with no solid rental history over the past few years. Rate change desiged to increat total rental numbers
Staff & Equipment Reimbursements	Electrician: $20.00/hour	Electrician: $25.00/hour	positive impact
	Tables (8'x30" rectangular or 60" round): $6.00 each	Tables (8'x30" rectangular or 60" round): $7.00 each	positive impact
	TV/VCR/DVD & Projector:$75.00	TV/VCR/DVD & Projector:$50.00 each	positive impact-incentive for more people to rent this equipment by lowering rate
Public Works			
Recycling Fee	$3.50/mo	Replace with Solid Waste Fee	$1,160,000
Solid Waste Fee	None	$7.00/mo	
Water Resources			
Utiilty Charges			
Single Family Residential (1% increase)	$3.77 per CCF	$3.81 per CCF	
Irrigation (4% increase)	$3.77 per CCF	$3.92 per CCF	
Multi-Family Residential (1% increase)	$3.19 per CCF	$3.22 per CCF	
Commercial, 1-999 CCF/month (1% increase)	$3.19 per CCF	$3.22 per CCF	$243,927
Commercial, >1,000 CCF/month (3% increase)	$1.69 per CCF	$1.74 per CCF	
Manufacturer, 1-999 CCF/month (new customer class)	N/A	$3.22 per CCF	
Manufacturer, >1,000 CCF/month (new customer class)	N/A	$1.69 per CCF	
Wholesale (4% increase)	$0.95 per CCF, $184.00 per 10,000 gallons/day	$0.99 per CCF, $184.00 per 10,000 gallons/day	

Item or Service	Current Fee	Proposed New Fee	Additional Revenue
Water Resources (Cont)			
Capital Improvement Fee - 1% increase for each meter size			
Meter Size			
5/8 inch	$3.82 per month	$3.86 per month	
3/4 inch	$4.37 per month	$4.41 per month	
1 inch	$52.42 per month	$52.94 per month	
1 1/2 inch	$87.36 per month	$88.23 per month	
2 inch	$152.88 per month	$154.41 per month	$63,586
3 inch	$480.48 per month	$485.28 per month	
4 inch	$840.84 per month	$849.25 per month	
6 inch	$1,081.08 per month	$1,091.89 per month	
8 inch	$1,321.32 per month	$1,334.53 per month	
10 inch	$1,561.56 per month	$1,577.18 per month	

[redacted] Attachme[redacted] Detail [redacted]

After school-Adventure program	Current City Resident	Current Non-City Resident	Proposed City Resident	Proposed Non-City Resident
Oakley, East, Montford,	$30 per week	$36 per week	$50 per week - Reduce/Free $30 per week	$75 per week - Reduce/Free $60 per week
Shioloh, Grant, St Lee, Burton	$13 per week	$16 per week		
	$5 dollars for additional school workdays	$5 dollars for additional school workdays		
Late fee (pickup) all sites	$5 for every 15 minutes late	$5 for every 15 minutes late	No Change	No Change

After school Program-Vance site After school	Current City Resident	Current Non-City Resident	Proposed City Resident	Proposed Non-City Resident
	Child	Famliy		
Non-refund registration fee	$25 per program $50 Annually	$40 per program $80 Annually	Eliminate Fee	Eliminate Fee
	Resident	Non-Resident	City Resident	Non-City Resident
Participant Fee Weekly rate	$55 first child $50 each addtl sibling	$65 first child $55.00 each additional sibling	$50 per week - Reduce/Free $30 per week	$75 per week - Reduce/Free $60 per week
Daily up to 3 days	$15 first Child $14 each addtl	$17 first child $16 each additional sibling	Eliminate Fee	Eliminate Fee
School Holiday or teacher workday -Daily Rate	$25 per child	$20 per child	Eliminate Fee	Eliminate Fee

Day Camp program -Vance site After school	Current City Resident	Current Non-City Resident	Proposed City Resident	Proposed Non-City Resident
	Child	Famliy		
Non-refund registration fee	$25 per program $50 Annually	$40 per program $80 Annually	Eliminate Fee	Eliminate Fee
	Resident	Non-Resident	City Resident	Non-City Resident
Participant Fee Weekly rate	$105 first child $100 each addtl sibling	$115 first child $110 each additional sibling	$105 per week - Reduce/Free $75 per week	$175 per week - Reduce/Free $150 per week
Daily up to 3 days	$27 first Child $25 each addtl	$30 first child $28 each additional sibling	Eliminate Fee	Eliminate Fee
Late fee (pickup) all sites	$5 for every 15 minutes late	$5 for every 15 minutes late	No Change	No Change

Summer Playground/Summer Teen Program After school	Current City Resident	Current Non-City Resident	Proposed City Resident	Proposed Non-City Resident
	Child	Child		
Non-refund registration fee	$10 per per week per child	$15 per per week per child	Eliminate Fee	Eliminate Fee

	Current Resident	Current Non-Resident	Proposed City Resident	Proposed Non-City Resident
Participant Fee Weekly rate	$40 first child $30 each addtl sibling	$50 first child $40 each additional sibling	$105 per week - Reduce/Free $75 per week	$175 per week - Reduce/Free $150 per week
Daily up to 3 days	$27 first Child $25 each addtl	$30 first child $28 each additional sibling	Eliminate Fee	Eliminate Fee
Late fee (pickup) all sites	$5 for every 15 minutes late	$5 for every 15 minutes late	No Change	No Change

After school & Summer Therapeutic program	Current City Resident	Current Non-City Resident	Proposed City Resident	Proposed Non-City Resident
Participants Fees	$25 per week $80 monthly rate $5 dollars for additional school workdays	n/a n/a n/a	$35 per week	$75 per week
Late fee (pickup) all sites	$5 for every 15 minutes late	$5 for every 15 minutes late	No Change	No Change

ORDINANCE NO. 4175

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 9th day of April 2013.

Magdalen Bourleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

PURPOSE: This Budget Amendment increases the Grovemont & Scenic View Neighborhood Water Line Replacements Capital Project Budget to $2,846,282.00

Magdalen Bourleson
City Clerk

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City of Asheville
Budget Amendment

1. Effective Date: 4/9/2013
2. Fiscal Year: 2012-13

3. Amendment to Operating __ and/or Capital Project _X_ appropriation.

Water Resources	4/9/2013	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: Increase budget in the Grovemont Development WL Replacement Capital Project per bids received on March 26, 2013.

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Grovemont Development WL Replacement				
Tr Wtr Op 07/08				
61100911 - 498612 - W1212	$0.00	$0.00	$1,365,392.00	$1,365,392
Tr Wtr Op 09/10				
61100911 - 498614 - W1212	$0.00	$0.00	$386,945.00	$386,945
Construction				
61100911 - 616102 - W1212	$1,093,945.00	$1,093,945.00	$2,846,282.00	$1,752,337

13. Balance of Transaction: $3,504,674.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received In Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

ORDINANCE NO. 4176

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 9th day of April, 2013.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: This Budget Amendment is to increase the budget in the Parks, Recreation & Cultural Arts Department by $4,000 to support operating cost of the Bojangles' Easter Eggstravaganza as a result of a sponsorship from Bojangles' Famous Chicken and Biscuits.

Magdalen Burleson
City Clerk

185

City of Asheville

Budget Amendment Details

1. Effective Date: 4/9/2013

2. Fiscal Year: 2012-13

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

PRCA — 4. Requesting Department

3/26/2013 — 5. Today's Date

6. Preparer's Name

7. Comments/Purpose: To amend budget for Bojangles sponsorship for 2013 Easter Eggstravagnaza

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Sponsorships			$0	
11008204:483305	$0	$4,000	$4,000	$4,000
			$0	
Expenditures:			$0	
Materials			$0	
11008204:524101	$1,750	($285)	$5,750	$4,000
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
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			$0	
			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

ORDINANCE NO. 4177

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 9th day of April, 2013.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: US Cellular Center Renovations

Magdalen Burleson
City Clerk

187

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2012-13

3. Amendment to Operating ____ and/or Capital Project _x___ appropriation.

Civic Center | 4/9/2013
4. Requesting Department | 5. Today's Date | 6. Department Head Signature

7. Comments/Purpose: to budget additional funding for US Cellular Center renovations

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Other Local Participation				
62700905 437100 C1301	$1,550,000.00		$2,316,416.00	$766,416.00
Sponsorships				
62700905 483305 C1301	$72,118.00		$145,619.00	$73,501.00
Expenditures:				
Improvements				
62700905 613101 C1301	$1,889,518.00		$2,729,435.00	$839,917.00
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4178

ORDINANCE AMENDING CONDITIONAL ZONING FOR WEIRBRIDGE VILLAGE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, the property that is the subject of this amendment was zoned to HB (CZ) zoning classification in November 2006 (City Ordinance No. 3411), which included a site plan for a proposed development; and

WHEREAS, this conditional zoning ordinance was amended in June 2008 (City Ordinance No. 3635) to adopt a coordinated sign package for the development; and

WHEREAS, the applicant now seeks to amend the sign package to allow for menu boards; and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. The proposal amends a comprehensive, coordinated sign package for a major development.
b. The proposed amendment is in keeping with current City standards and recent approvals.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. City of Asheville Ordinance No. 3411 be, and the same is hereby, amended to allow for two menu board signs on the parcel located immediately north of Legacy Oaks Place (PIN 9655086584), as shown on Exhibit A, subject to the conditions listed on Exhibit B.

All other conditions set out in Ordinances 3411 and 3635 continue to apply.

Section 2. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 9th day of April, 2013.

Magdalen Bullerson
City Clerk

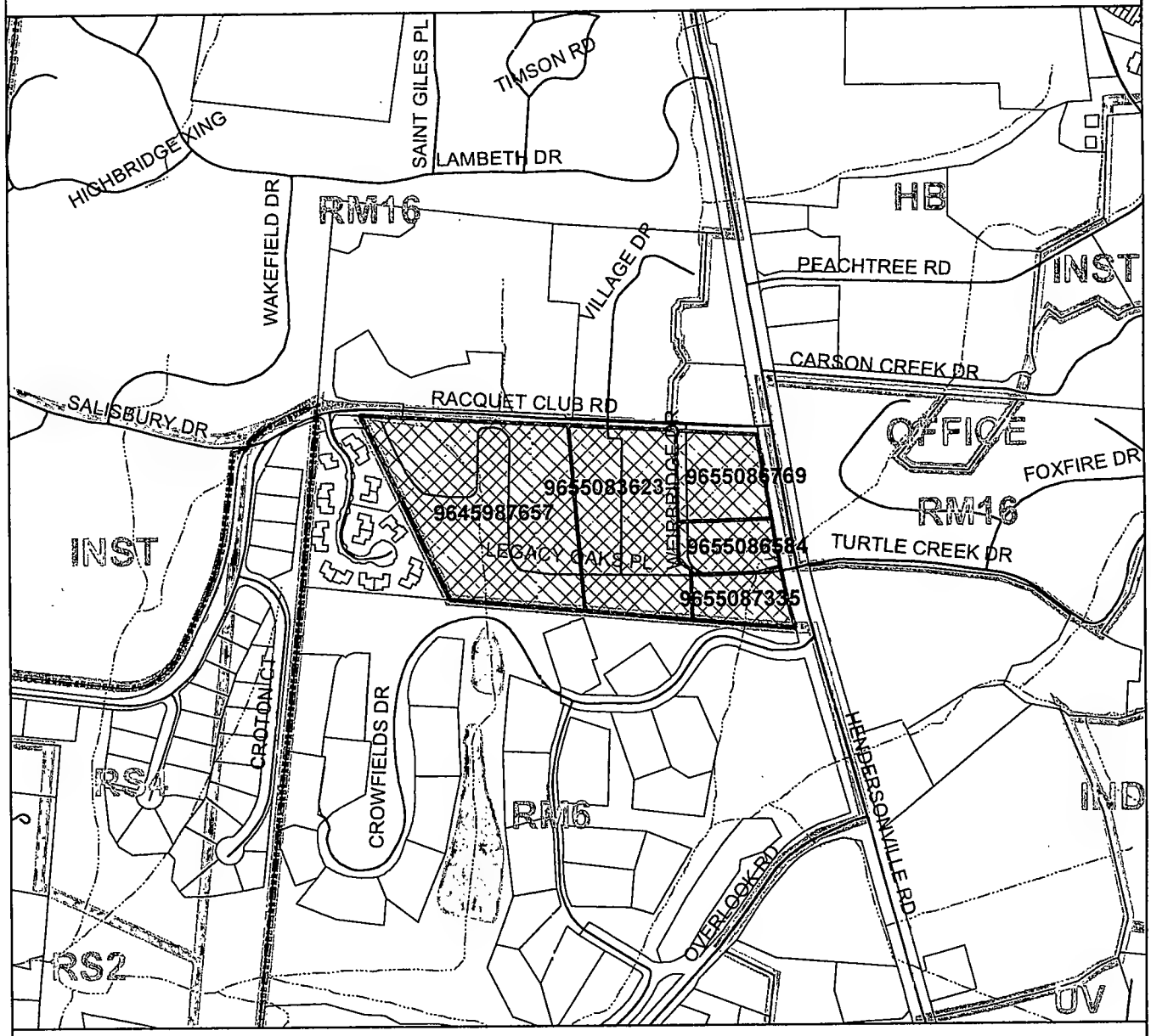
Mayor

Approved as to form:

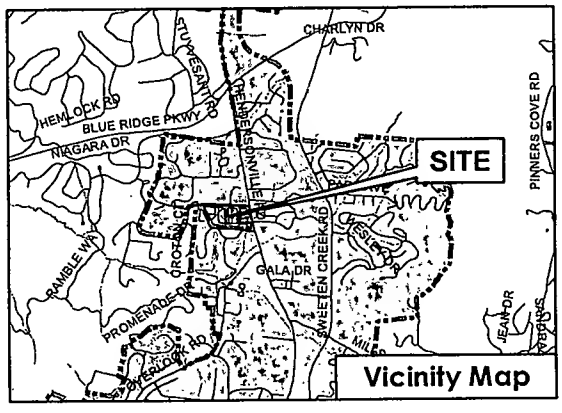
Martha McMahon
City Attorney

Magdalen Bullerson
City Clerk

City of Asheville - Exhibit A Map
Conditional Zoning Amendment



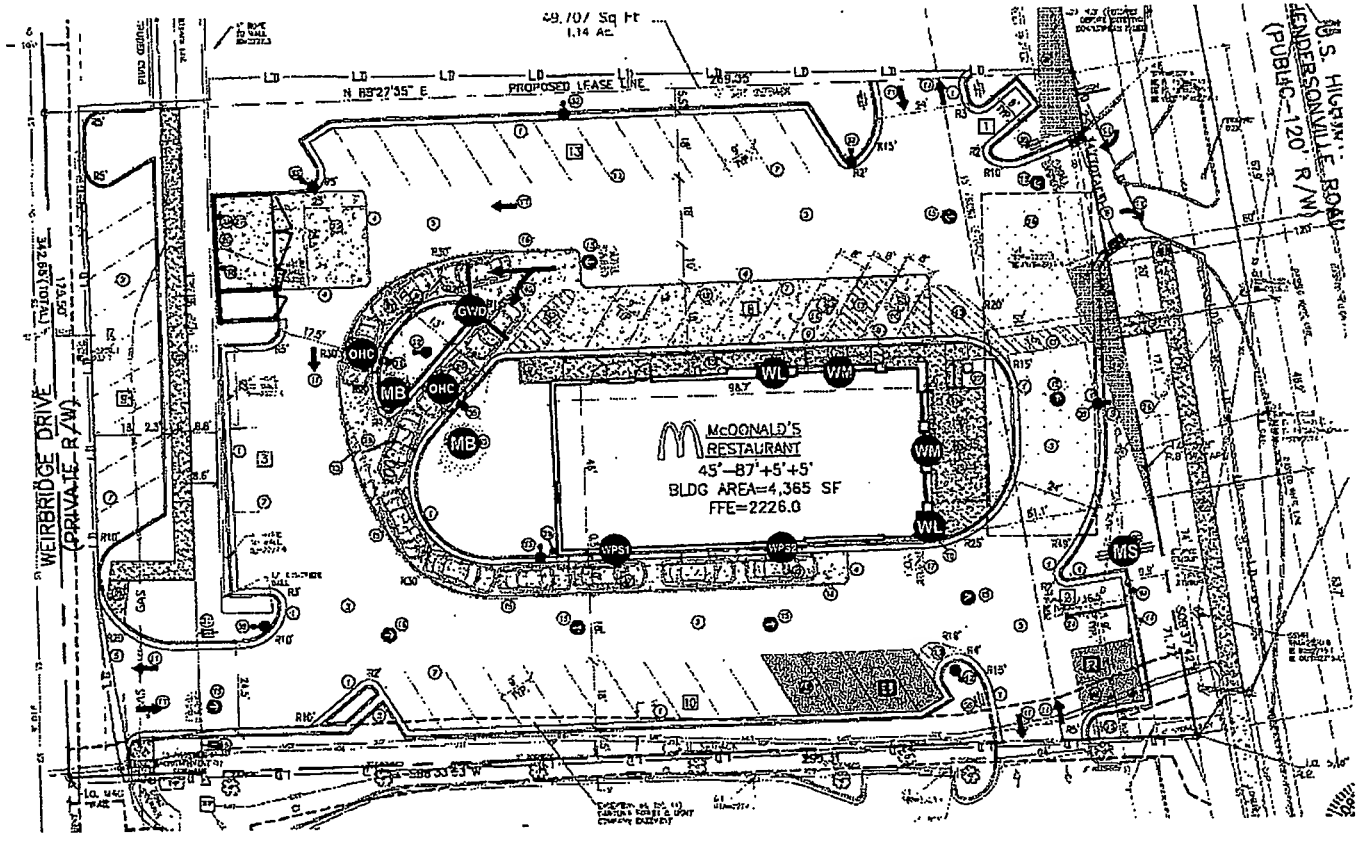
Project Name:	Weirbridge Village
Project Number:	11-35-000004
Project Description:	Conditional Zoning Amendment
Petitioner(s):	Racquet Club Partners LLC
Parcel ID Number(s):	9645.98-7657; 9655.08-3623,6584, 7335,6769
Location/Address:	1709 Hendersonville Road



Project Site | Parcels | Zoning Districts | Asheville City Limits | Streets | Streams

City of Asheville Planning and Development Department - 2/16/12

Exhibit A-1



SCALE: 1" = 30'-0"

Don't

GWD ···· DOUBLE ARM GATEWAY

OHC ···· ORDER HERE CANOPY (QTY 2)

MB ···· MENU BOARD (QTY 2)

WPS1 ···· WINDOW POSITION SIGN 1

WPS2 ···· WINDOW POSITION SIGN 2

WM ···· 24" WORDMARK (QTY 2)

WL ···· WELCOME LETTERS (QTY 2)

MS ···· MONUMENT SIGN

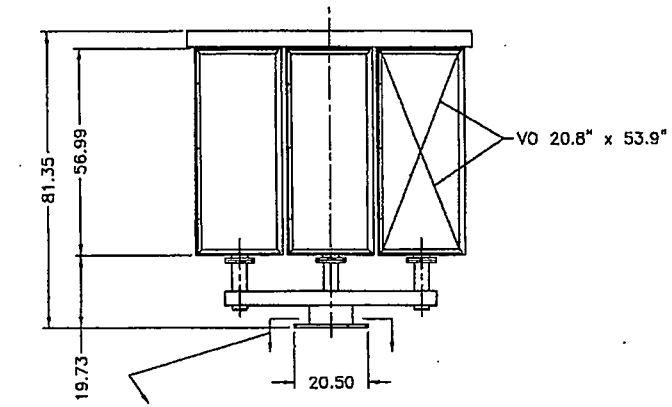
Customer: McDONALD'S	Date: 03/05/13	Prepared By: INI/RA/CM	Eng: X	Note: Color request must be exact when clearing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a verification to this drawing will be made.
Location: ASHEVILLE, NC	File Name: 118611 -R2- 11X17 - HENDERSONVILLE ROAD, ASHEVILLE, NC - PROGRAM BOOK			

PERSONA
SIGN MAKERS/IMAGE BUILDERS
DISTRIBUTED BY SIGN UP COMPANY
700 21st Street Southwest
PO Box 210
Watertown, SD 57201-0210
1 (800) 843-9888 • www.persona-inc.com

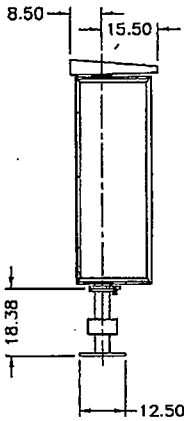
191

Exhibit A-2

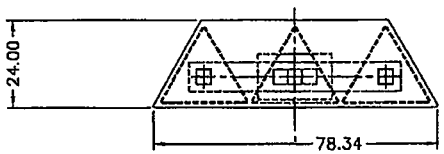
192



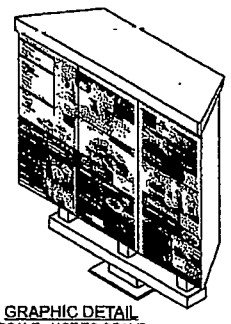
FRONT VIEW
SCALE: 3/8" = 1'-0"



END VIEW
SCALE: 3/8" = 1'-0"



TOP VIEW
SCALE: 3/8" = 1'-0"



GRAPHIC DETAIL
SCALE: NOT TO SCALE

Customer: McDONALD'S	Date: 03/05/13	Prepared By: CM	Eng: X	Note: Color output may not be exact when viewing or printing this drawing. All colors must use PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.	PERSONA SIGN MAKERS/IMAGE BUILDERS	DISTRIBUTED BY SIGN UP COMPANY 700 21st Street Southwest PO Box 210 Watertown, SD 57201-0210 1 (800) 843-9888 • www.persona-inc.com
Location: ASHEVILLE, NC	File Name: 118611 -R2- 11X17 - HENDERSONVILLE ROAD, ASHEVILLE, NC - PROGRAM BOOK					

EXHIBIT B
AMENDMENT TO SIGN PACKAGE
WEIRBRIDGE VILLAGE
CONDITIONS

- Not to exceed two boards.
- Menu board shall not exceed 36 square feet per face.
- Menu boards shall be single faced.
- All other conditions applicable to the Subject Property as set out in Ordinances 3411 and 3635, shall continue to apply.

ORDINANCE NO. 4179

ORDINANCE GRANTING CONDITIONAL USE PERMIT FOR MILLS GAP ROAD (PALISADES OF ASHEVILLE)

WHEREAS, the City has the authority pursuant to N. C. Gen. Stat. 160A-381 to issue conditional use permits; and

WHEREAS, the City Council has conducted a public hearing on April 23, 2013, to consider the application of G. Thomas Jones, III, for a Conditional Use Permit for construction of a new 224-unit multi-family apartment complex, and has determined that said permit should be issued;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE AS FOLLOWS:

Section 1. That the Order attached hereto as Exhibit A, setting forth findings and conclusions, is hereby adopted, and the Conditional Use Permit is issued as set forth therein.

Section 2. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 3. That if any section, subsection, clause or phrase of this ordinance is for any reason held to be invalid, then the entire ordinance shall likewise be invalid, and subject to modification or re-adoption as provided by law.

Section 4. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted this 23rd day of April, 2013.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

Exhibit A

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

CITY OF ASHEVILLE
CITY COUNCIL
File No. 13 CUP _____

In the matter of: Conditional Use Permit for property at Mills Gap Road (Palisades of Asheville)	)))))	ORDER ISSUING CONDITIONAL USE PERMIT

This matter coming on for public hearing before the Asheville City Council at its April 23, 2013 regular meeting upon an application (herein "Application") by Robert Deutsch, (herein "Applicant") for a Conditional Use Permit to construct a new 224 unit multi-family apartment complex (herein "Project"), located on a 14-acre parcel on Mills Gap Road, between Hendersonville and Sweeten Creek Roads in South Asheville (herein "Subject Property"), and based on the information presented at the public hearings, the City Council makes the following findings and conclusions, and enters the following order:

FINDINGS

1. The public hearing held on April 23, 2013, was advertised on April 12, 2013, and April 19, 2013. The Subject Property was posted with signs, and notices were mailed to adjacent property owners. There were no objections based on a lack of notice.

2. The Subject Property consists of a 14 acre parcel located on Mills Gap Road between Hendersonville and Sweeten Creek Roads. The Subject Property is identified by Buncombe County parcel identification number (PIN) 9655.25-6771.

3. The Subject Property is zoned CI and is currently vacant. A conditional use permit is required because the Project exceeds 50 residential units. The Subject Property is currently graded and mostly flat, with some grade changes (15-30 feet) on the north/northeast sides.

4. The Subject Property is bordered by the Norfolk-Southern Railroad to the east; Community Business II (CBII) and CI- zoned parcels to the west (Earth Fare and retail shopping); Gerber Road and CBII and HB zoning to the north (Gerber Village) and Highway Business zoning to the south.

5. Uses surrounding the Subject Property are largely small scale commercial /retail uses. The Subject Property is part of a former industrial site that has been repurposed for mixed use. Hendersonville Road is a major commercial corridor, with bus service, and easy access to interstates.

6. The Applicant proposes to develop a multi-family apartment complex with a total of 224 units to include a mix of 1 bedroom (72 units), 2-bedroom (108 units) and 3-bedroom (44 units) configurations.

7. There are 10 residential buildings proposed for the site, with a maximum building height of 36 feet. Nine of the 10 residential buildings are three stories and one is two stories.

8. Additional structures proposed include a single-story clubhouse building located at the entrance to the development and three 1-story multi-bay (4-6 cars) garages within the site.

9. Vehicles will access the site from two driveway cuts, both off of Mills Gap Road, on either side of the clubhouse. There is also an interior connection through the western boundary of the site, into the adjacent commercial development to the east.

10. The Project will also include a deceleration lane into the site from Mills Gap, heading west (right turn in). This was recommended by the Traffic Impact Study.

11. The Project will include 26 foot wide two-way private drives to circle and bisect the development and include parking on both sides.

12. There are a total of 408 parking spaces (not including spaces within the covered garages), with 13 handicapped-accessible spaces dispersed throughout the site and a small 20 space parking area on pervious pavers.

13. There will be 22 bicycle parking spaces distributed among the buildings.

14. A six-foot sidewalk will be provided along the frontage of the property (Mills Gap Road) as well as pedestrian pathways (five feet wide) into and throughout the site.

15. Landscaping is required for this Project and includes street trees, parking lot landscaping, building impact landscaping and tree save area. The applicant proposes to preserve existing vegetation around the north and eastern perimeters of the site.

16. The buildings will be frame construction with a brick façade at the lower levels, and sides on the upper levels, as shown on the elevations.

17. The conceptual plans for the Project, including site plans and elevations, are incorporated into these findings by reference.

18. The Project is a redevelopment, and utility service already exists in sufficient supply. The Subject Property is accessible by service and energy vehicles. No issues of technical compliance are noted. The report of the Technical Review Committee is incorporated by reference.

Based on the findings set forth above, the City Council makes the following jurisdictional conclusions and conditional use determinations:

JURISDICTIONAL CONCLUSIONS

1. Notice of the public hearings on this matter were provided as required by statute and ordinance, and this matter is properly before the City Council.

2. This application is being reviewed as a Level III conditional use pursuant to UDO Sec. 7-5-5, and 7-16-2(b)(2).

CONDITIONAL USE DETERMINATIONS

If the Project is developed in accordance with the approved conceptual site plan, as amended, and elevation drawings, made a part hereof, and in accordance with the conditions set forth below, the Project will satisfy the standards for conditional uses specified in City Code Sec. 7-16-2(c), and set out below. Council's determination is based on all the facts found above, and summarized below following each standard.

1. **That the proposed use or development of the land will not materially endanger the public health or safety.**

   The Project meets all public health and safety related requirements. The Project promotes pedestrian connectivity on the private sidewalks and streets within the Subject Property and affords connectivity to emergency vehicles at all times.

2. **That the proposed use or development of the land is reasonably compatible with significant natural or topographic features on the site and within the immediate vicinity of the site given the proposed site design and any mitigation techniques or measures proposed by the applicant.**

   The site has been previously graded through its past use and has rubble from demolitions of past buildings as well as fill dirt in areas across the acreage. The Subject Property is mostly flat with areas of existing vegetation and grades climbing 15-30 feet at the north and northeast edges. No significant changes to the topography or natural features are proposed.

3. **That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property.**

   The residential use should complement the commercial activity along Hendersonville Road and will be an amenity to the residents with many shops and restaurants; therefore, it will likely assist in improving the values of adjoining or abutting properties.

4. **That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located.**

   There is a similarly-sized residential project approved for development across Gerber Road to the north. The multi-building, multi-family site design is appropriate for this type of location near a high-volume motor vehicle corridor.

5. **That the proposed use or development of the land will generally conform to the comprehensive plan, smart growth policies, sustainable economic development strategic plan and other official plans adopted by the City.**

   This application supports the City's goals and objec tives including siting development in an infill location, proposing a density that supports transit and offering rentals as a workforce rate.

6. **That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.**

The Project has been approved by the Technical Review Committee and was approved with conditions concerning all transportation, water, police protection, waste disposal and other similar facilities, as well as emergency service. No service issues were noted.

7. **That the proposed use will not cause undue traffic congestion or create a traffic hazard.**

This project includes a deceleration lane and therefore should not cause an undue burden on the surrounding transportation infrastructure, which includes a major commercial corridor and truck route.

On the basis of the above findings and conclusions, the Asheville City Council grants the application for a Conditional Use Permit for the Project, subject to the following conditions:

1. The Project shall comply with all conditions identified by the Technical Review Committee, including the deceleration lane as recommended by the Traffic Impact Study.

2. All site lighting shall comply with the City's Lighting Ordinance, Section 7-11-10 of the UDO. A detailed lighting plan illustrating compliance with this ordinance, will be required upon submittal of detailed plans to be reviewed the Technical Review Committee.

3. All existing vegetation to remain shall be clearly indicated and dimensioned on the site, landscape and grading plans.

4. The building design, construction materials and orientation on-site must comply with the conceptual site plan and building elevations presented with this application. Any deviation from these plans may result in reconsideration of the project by the reviewing boards

5. These conditions shall be binding on the Applicant, and any successors in interest.

Read, approved and adopted this the 23rd day of April, 2013.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

ORDINANCE NO. 4180

ORDINANCE AMENDING ZONING FOR PROPERTY(S) LOCATED AT OR NEAR 10 OLD SHOALS ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. The proposed zoning is suitable for the subject area and consistent with other adjacent and nearby zoning.
b. The proposed rezoning would resolve a split-zoning situation.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

> The zoning classification of that certain real property(s) described in Exhibit A and identified on Buncombe County tax maps as a portion of 9654-11-5212 from HB (Highway Business) to CI (Commercial Industrial). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this

ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. That this ordinance shall be enforced as provided in Article 18 of Chapter 7 and Section 1-5 of the City Code.

Section 6. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 23rd day of April, 2013.

Magdalen Bamberson
City Clerk

Mayor

Approved as to form:

City Attorney

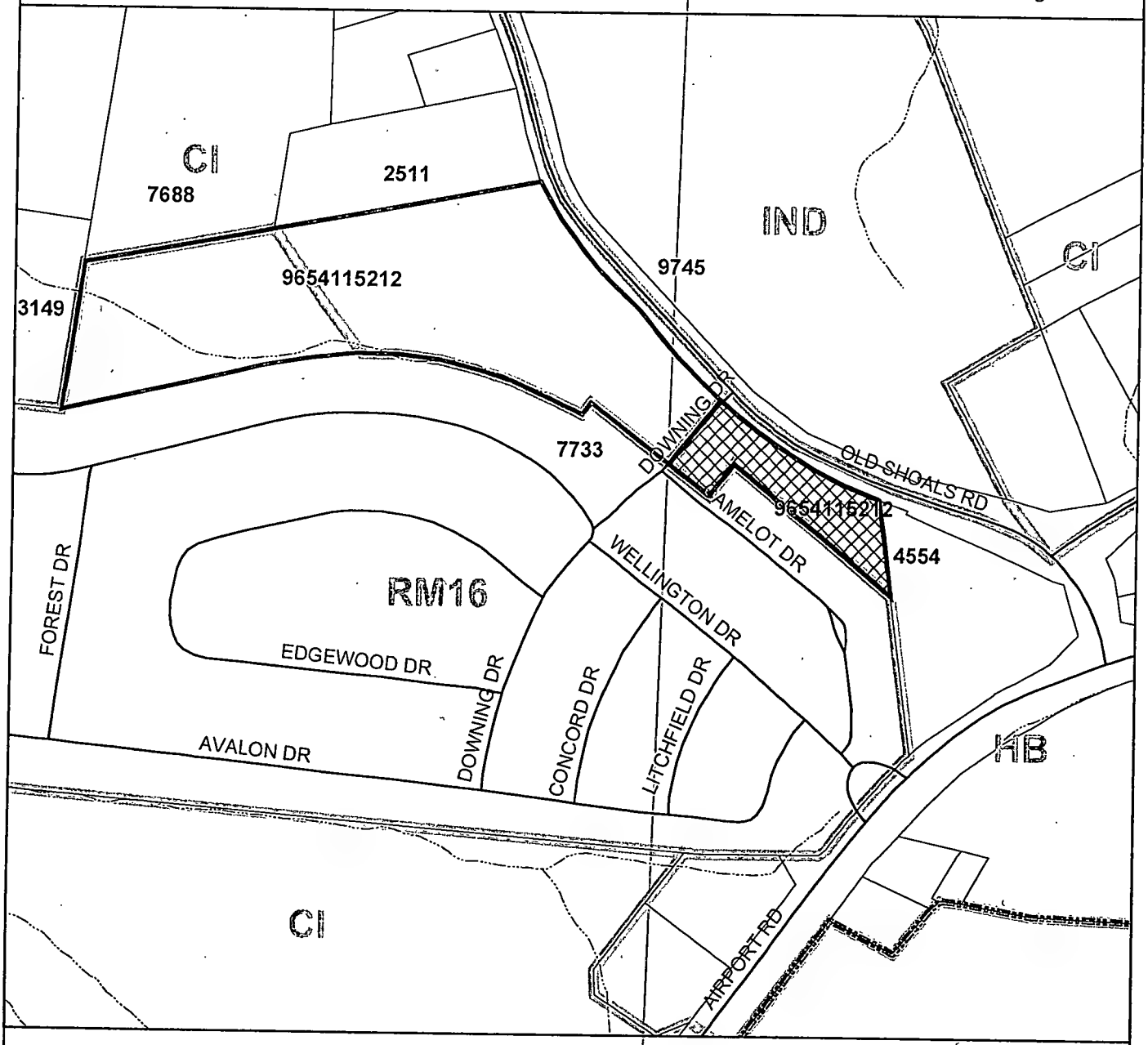
Magdalen Bamberson
City Clerk

201

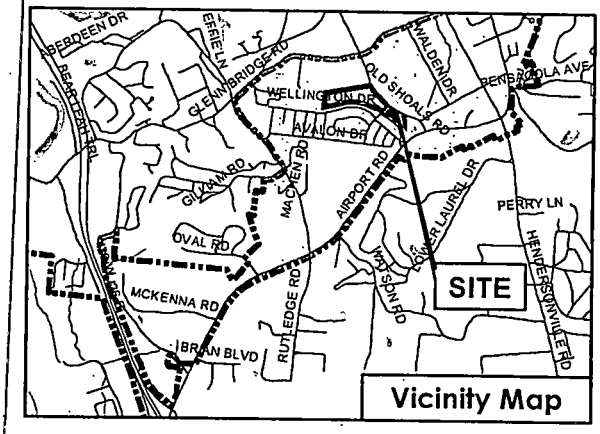
City of Asheville - Exhibit A Map
Rezoning Petition

ASHEVILLE

N
W E
S



Project Name:	10 Old Shoals Road
Project Number:	RZ 13-50-001
Project Description:	Zoning change from HB to CI
Petitioner(s):	M Realty, LLC/ Lisa Stephens
Parcel ID Number(s):	9654-11-5212
Location/Address:	S. of Old Shoals Rd/Downing Dr



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Development Department - February 19, 2013

ORDINANCE NO. 4181

ORDINANCE AMENDING CONDITIONAL ZONING FOR HUNT HILL APARTMENTS

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction accorcing to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, the property that is the subject of this amendment was zoned to HB (CZ) zoning classification in June of 2008 (City Ordinance No. 3633), which included a site plan for a proposed development with two access points; and

WHEREAS, this conditional zoning ordinance was amended in June 2012 (City Ordinance No. 4090) to approve an amended site plan with three access points, one of which was unconfirmed; and

WHEREAS, the applicant now seeks to amend the site plan to provide for the original two access points; and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows: (a) The proposed development addresses a number of City of Asheville goals including: pursuing higher density infill, green building, and the provision of affordable housing; (b) The amended proposal for the development has been reviewed for traffic impact and safety; and (c) The amended proposal provides for the same access to the development as was approved in 2008 for the same site and number of units.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. City of Asheville Ordinance No. 4090 be, and the same is hereby, amended as follows:

a. Condition No. 8 on Exhibit B of Ordinance No. 4090 is deleted.

b. The site plan attached to Ordinance No. 4090 as Exhibit B-1 is deleted and replaced with the attached Exhibit B-1(2).

Section 2. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. That this ordinance shall be enforced as provided in Article 18 of Chapter 7 and Section 1-5 of the City Code.

Section 6. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 23rd day of April, 2013.

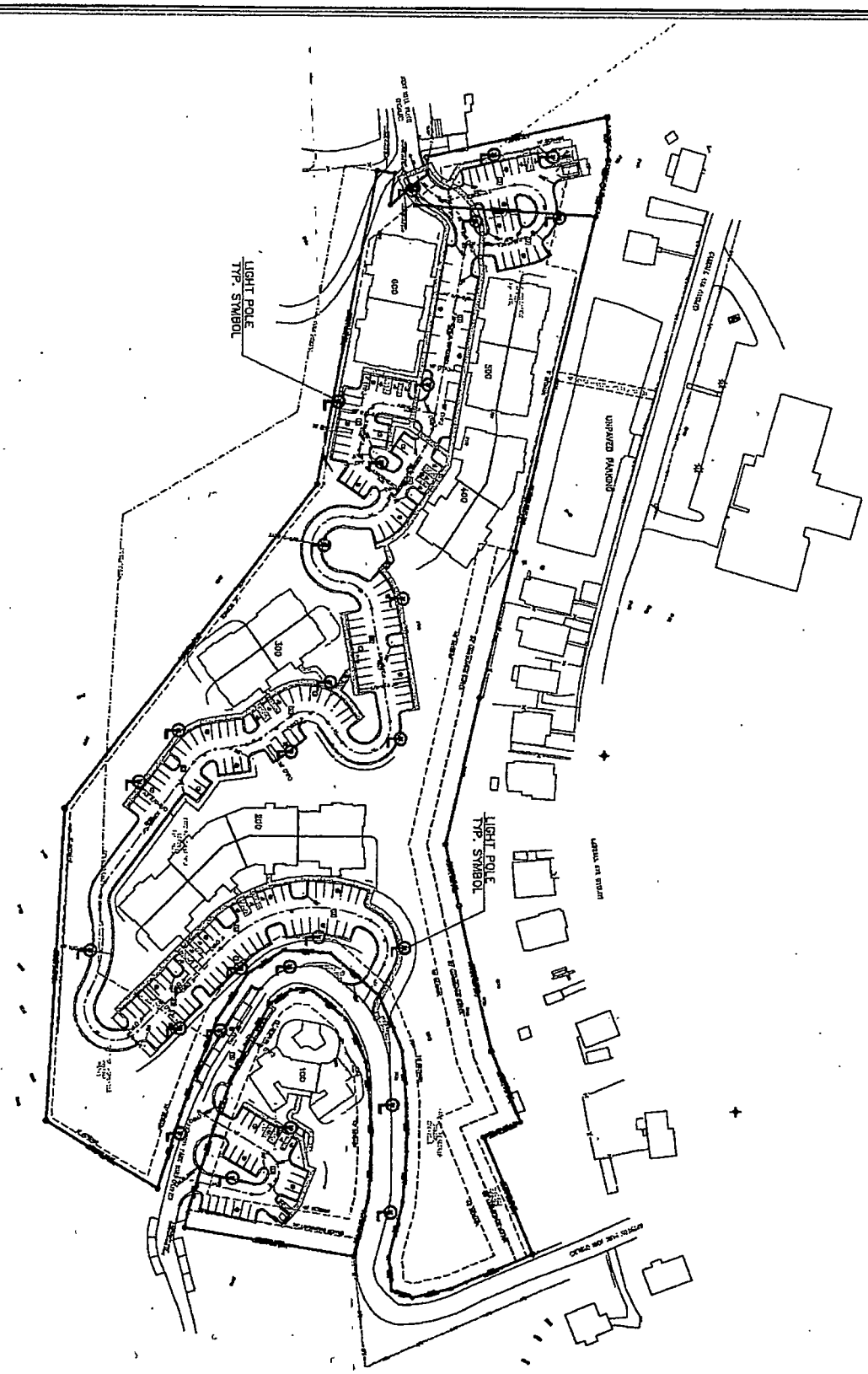
Magdalen Bouleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk



SHEET NUMBER	LA1.0
SEAL	
SCALE	1" = 50'-0"
	LIGHTING SHEET

DATE	DESCRIPTION
07-29-13	
REVISED	

HUNT HILL
APARTMENTS
ASHVILLE, NORTH CAROLINA

STITH & COMPANY, INC.
LANDSCAPE ARCHITECTURE
SITE DESIGN
PLANNING
ENVIRONMENTAL
GRAPHICS

Stith DESIGN
BLA SERVICES
1040 Crest St.
Atlanta, Ga. 30315
404-767-0876 www.stithdesign.com

205

ORDINANCE NO. 4182

ORDINANCE GRANTING CONDITIONAL USE PERMIT (ASHEVILLE MARKET)

WHEREAS, the City has the authority pursuant to N. C. Gen. Stat. 160A-381 to issue or amend conditional use permits; and

WHEREAS, the City Council has conducted a public hearing on April 23, 2013, to consider the application of Robert Deutsch, for a Conditional Use Permit for redevelopment of an existing retail center including new construction and partial demolition, and has determined that said permit should be issued;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The amendments to the Conditional Use Permit for 4 South Tunnel Road – Asheville Market be and the same are hereby, approved, as set forth in the Order attached hereto as Exhibit A.

Section 2. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 3. That this ordinance shall be enforced as provided in Sec. 1-5 and Article XVIII of Chapter 7 of the Asheville City Code.

Section 4. That if any section, subsection, clause or phrase of this ordinance is for any reason held to be invalid, then the entire ordinance shall likewise be invalid, and subject to modification or re-adoption as provided by law.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted this 23rd day of April, 2013.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

Exhibit A

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

CITY OF ASHEVILLE
CITY COUNCIL
File No. 13 CUP _____

In the matter of:
Conditional Use Permit
for property at 4 South Tunnel Road
(Asheville Market)

ORDER GRANTING
CONDITIONAL USE PERMIT

This matter coming on for public hearing before the Asheville City Council at its April 23, 2013 regular meeting upon an application (herein "Application") by Robert Deutsch (herein "Applicant") for a Conditional Use Permit to redevelop an existing retail center including new construction and partial demolition (herein "Project"), located on a 13.33 acre-parcel at 4 South Tunnel Road (herein "Subject Property"), and based on the information presented at the public hearings, the City Council makes the following findings and conclusions, and enters the following order:

FINDINGS

1. Notice of the public hearing of this matter was published on April 12 and April 19, 2013; signs advertising the hearing were posted on the Subject Property, and notification was mailed to adjacent property owners. There were no objections based on a lack of sufficient notice.

2. The Subject Property is located at 4 South Tunnel Road and consists of a 13.33 acre parcel. The Subject Property is identified by Buncombe County parcel identification number (PIN) 9658.25-5796.

3. The area where the Project is proposed to be constructed (herein "Project Area") is zoned Regional Business and is currently the location of a strip shopping center with various tenants, formerly anchored by Kmart.

4. The Subject Property is bordered by Interstate 240 to the east, similar strip retail centers to the north and south and the Asheville Mall is across Tunnel Road to the west.

5. The proposal is to redevelop an existing retail center with new construction, renovation and parking lot reconfiguration to comply with current requirements.

6. Approximately 91,600 square feet of existing building will be demolished with 80,104 square feet rebuilt for a proposed total of not more than 142,500 sq ft in the Project.

7. There are nine retail spaces designated on the plans, four new, five existing, all single-story; several of the larger spaces may be broken down into multiple, smaller retail spaces as tenants are identified. Plans indicate 121,566 square feet designated for retail with 15,000 square feet for restaurant use.

8. The Tunnel Vision building will be demolished and relocated within the site.

9. New construction and renovated structures will include aesthetic elements such as brick masonry both painted and unpainted, wood-lined facades, steel lintels and wood soffits creating open storefronts, covered canopies and other details to break up the facades and create visual interest. One of the tenant spaces will include an outdoor patio with seating and a fireplace.

10. The site is currently accessed in two locations from South Tunnel Road and these driveway cuts will remain. Each access point includes three travel lanes; one ingress into the site and two egress lanes with one right-turn only lane and a lane for both straight and left turning. The northernmost driveway will be re-oriented from its current interior layout. Some retaining walls will be required to reduce the gradient from the parking lot to the street. One building not part of the Project (currently occupied by AT&T) will lose its cross-access as a result of the parking lot and driveway reconfiguration, but retains its direct access to the street.

11. The existing parking field will be reorganized and re-graded to create more user-friendly slopes. There are a total of 576 spaces, including 20 handicapped-accessible spaces dispersed throughout the site. There are 30 bike parking spaces. Plans show two designated charging stations for electric cars.

12. Sidewalks are to be provided along the entire frontage of the Subject Property as well as pedestrian pathways into the site along each driveway, and a direct pedestrian connection to the street.

13. Landscaping is required for this project and includes street trees, street buffer, parking lot landscaping, building impact landscaping and screening of dumpsters. All proposed landscaping will meet code requirements, at a minimum.

14. Tunnel Road is a US Highway, and major commercial corridor. The area is served by the City's transit system. All utilities are available on site, and the Subject Property is served by City emergency services.

15. A transit shelter is located at the northernmost driveway.

16. The Project was approved with conditions by the TRC at its February 4, 2013, meeting; the TRC Staff Report is incorporated herein by reference.

Based on the findings set forth above, the City Council makes the following jurisdictional conclusions and conditional use determinations:

JURISDICTIONAL CONCLUSIONS

1. Notice of the public hearing on this matter was provided as required by statute and ordinance, and this matter is properly before the City Council.

2. This application is being reviewed as a modification to a conditional use permit pursuant to UDO Sec. 7-5-5.

CONDITIONAL USE DETERMINATIONS

If the Project is developed in accordance with the approved conceptual site plan and elevation drawings, made a part hereof, and in accordance with the conditions set forth below, the Project will satisfy the standards for conditional uses specified in City Code Sec. 7-16-2(c), and set out below. Council's determination is based on all the facts found above, and summarized below following each standard.

1. **That the proposed use or development of the land will not materially endanger the public health or safety.**

   If constructed as proposed, the Project will meet all applicable safety and building codes.

2. **That the proposed use or development of the land is reasonably compatible with significant natural or topographic features on the site and within the immediate vicinity of the site given the proposed site design and any mitigation techniques or measures proposed by the applicant.**

   There are a few small retaining walls needed due to the existing topography of the site; otherwise, the proposed use and development remains compatible with the site. No other site changes will occur.

3. **That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property.**

   The proposal includes multiple upgrades and amenities that should improve the value of the area and should not injure the value of adjoining or abutting properties. The AT&T site will lose cross-access, but direct access still exists to Tunnel Road.

4. **That the proposed use or development or the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located.**

   This is an existing retail shopping center and since the new development and renovation is for the same or similar uses, the proposed use remains in harmony with the surrounding Tunnel Road retail corridor.

5. **That the proposed use or development of the land will generally conform to the comprehensive plan, smart growth policies, sustainable economic development strategic plan and other official plans adopted by the City.**

   This Project is directly aligned with the City's goals and objectives including multi-modal transportation elements (sidewalks, bike racks, electric vehicle charging stations, transit shelter) and commercial investment in a location with existing infrastructure.

6. **That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.**

The City's Technical Review Committee reviewed the Project and found that adequate services and facilities are available. The Subject Property is on a bus route.

7. **That the proposed use will not cause undue traffic congestion or create a traffic hazard.**

The Project has been reviewed by the City's traffic engineer and the North Carolina Department of Transportation and is not expected to cause undue traffic congestion or create a traffic hazard.

CONCLUSIONS

On the basis of the above findings and conclusions, the Asheville City Council grants the application for a Conditional Use Permit for the Project, subject to the following conditions:

1. The Project shall comply with all conditions outlined in the TRC Staff Report.

2. This project will undergo final review by the TRC prior to issuance of any required permits.

3. All site lighting shall comply with the City's Lighting Ordinance, Section 7-11-10 of the UDO. A detailed lighting plan illustrating compliance with this ordinance, will be required upon submittal of detailed plans to be reviewed the Technical Review Committee.

4. All existing vegetation to remain shall be clearly indicated and dimensioned on the site, landscape and grading plans.

5. The building design, construction materials and orientation on-site must comply with the conceptual site plan and building elevations presented with this application. Any deviation from these plans may result in reconsideration of the project by the reviewing boards

6. These conditions shall be binding on the Applicant, and any successors in interest.

Read, approved and adopted this the 23rd day of April, 2013.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

ORDINANCE NO. 4183

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 14th day of May 2013.

Magdalen Bowleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

PURPOSE: This Budget Amendment increases the Spring 2013 Water System Neighborhood Enhancement Projects Capital Project Budget to $886,319.00.

Magdalen Bowleson
City Clerk

211

City of Asheville
Budget Amendment

1. Effective Date: 5/14/2013
2. Fiscal Year: 2012-13

3. Amendment to Operating __ and/or Capital Project _X_ appropriation.

Water Resources	5/14/2013	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: Combine several CIP budgets into one budget for the Spring 2013 Neighborhood Enhancement Water Line projects.

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Chatham Rd WL Replacement				
Tr Wtr Op 11/12				
61190911 - 498616 - W1209	$125,000.00	$125,000.00	$0.00	($125,000)
Construction				
61100911 - 616102 - W1209	$125,000.00	$125,000.00	$0.00	($125,000)
Long St WL Improvements				
Tr Wtr Op 12/13				
61190911 - 498617 - W1303	$70,000.00	$70,000.00	$0.00	($70,000)
Infrastructure				
61100911 - 615101 - W1303	$70,000.00	$70,000.00	$0.00	($70,000)
Courtland Avenue WL Replacement (to be renamed 'Spring 2013 NEP')				
Tr Wtr Op 11/12				
61190911 - 498616 - W1305	$0.00	$0.00	$125,000.00	$125,000
Tr Wtr Op 12/13				
61190911 - 498617 - W1305	$157,500.00	$157,500.00	$227,500.00	$70,000
Tr Wtr Op 08/09				
61190911 - 498613 - W1305	$0.00	$0.00	$533,819.00	$533,819
Infrastructure				
61100911 - 615101 - W1305	$157,500.00	$157,500.00	$886,319.00	$728,819

ORDINANCE NO. 4184

ORDINANCE AMENDING THE CITY OF ASHEVILLE FEES AND CHARGES MANUAL TO INCREASE THE PERMIT FEES FOR THE STREET CUT DIVISION

WHEREAS, the City of Asheville has the authority pursuant to NCGS Sec. 160A-4.1 to charge fees; and

WHEREAS, the City Council of the City of Asheville adopted a revised Fees and Charges Manual on March 26, 2013; and

WHEREAS, the Fees and Charges Manual includes various fees and charges for all of the Departments and is updated annually as a part of the City's budget; and

WHEREAS, the City is proposing to increase permitting and inspection services to meet increased demand; and

WHEREAS, this fee warrants reconsideration and updating over time; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville Fees and Charges Manual be amended as set forth on attached Exhibit "A" effective July 1, 2013.

Read, approved, and adopted this 14th day of May, 2013.

Magdalen Bullion
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

213

CITY OF ASHEVILLE
FEES & CHARGES MANUAL

DEPARTMENT Public Works **DIVISION** Streets Cut Division

Revenue Name Inspection - Street Cuts

Account Code See Below

Description of Revenue

Revenue derived from permit fees an d penalties paid by utility companies and contractors for cutting and inspecting streets, right-of-ways, and sidewalks for utility placement & repair.

Account Codes:

Water	11000231:443501
MSD	11000231:443502
Other	11000231:443503
Permit Fines	11000231:481455

Fee Schedule

Permit Fees:

Minimum	$100.00 < 25 SF
Normal Fee	$4.00/SF
Maximum	$5,000.00
Full Width/Full Block Overlay	$2,000.00

Permit Length:

Street & Sidewalk Cuts	10 Working days – excluding weather days

Reinspections:

Permit fees include the initial and final inspection (after completion of the job).

Additional reinspections	$50.00 each
Additional reinspections for warranty work	$50.00 each

ORDINANCE NO. 4185

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 14th day of May, 2013.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Update of Public Safety Radio System

Magdalen Bourleson
City Clerk

215

City of Asheville

Budget Amendment Details

1. Effective Date: 5/14/2013

2. Fiscal Year: 2012-13

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

4. Requesting Department	5. Today's Date	6. Preparer's Name
IT	5/7/2013	

7. Comments/Purpose: Public Safety Radio System Services - Update

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Installment Purch Proceed			$0	
41000052-492000-I1301	$0	$4,000	$142,600	$142,600
			$0	
Expenditures:			$0	
Contract Services			$0	
41000052-521001-I1301	$0	$0	$142,600	$142,600
			$0	
			$0	
			$0	
			$0	
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13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

ORDINANCE NO. 4186

ORDINANCE AMENDING APPENDIX B (SCHEDULE OF CIVIL PENALTIES) OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

WHEREAS, Appendix B of the Code of Ordinances of the City of Asheville establishes a schedule of civil penalties for violation of the provisions of the Code; and

WHEREAS, it is a violation of Chapter 19, Article V, Division 5 of the Code of Ordinances of the City of Asheville to violate the handicapped parking privileges, as authorized by NCGS # 20-37.6; and

WHEREAS, Appendix B of the Code of Ordinances of the City of Asheville, establishing a civil penalty of $100 for violation of Chapter 19, Article V, Division 5 of the Code of Ordinances of the City of Asheville, regulating handicapped parking is hereby amended to read $250; and

WHEREAS, it is a violation of Chapter 19, Article V, Division 1, Section 19-137(b) of the Code of Ordinances of the City of Asheville to park in fire lanes; and

WHEREAS, Appendix B of the Code of Ordinances of the City of Asheville, establishing a civil penalty of $35 for violation of Chapter 19, Article V, Division 1, Section 19-137(b), regulating fire lane parking is hereby amended to read $50; and

WHERES, it is a violation of Chapter 6 of the Code of Ordinances of the City of Asheville to violate Class D fire code violations (obstructing fire apparatus roads and fire hydrants); and

WHEREAS, Appendix B of the Code of Ordinances of the City of Asheville, establishing a civil penalty of $35 for violation of Chapter 6, regulating Class D fire code violations (obstructing fire apparatus roads and fire hydrants) is hereby amended to read $50.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. Appendix B of the Code of Ordinances of the City of Asheville is amended to increase the civil penalty for violation of Chapter 19, Article V, Division 5, of the Code, regulating handicapped parking from $100 to $250.
2. Appendix B of the Code of Ordinances of the City of Asheville is amended to increase the civil penalty for violation of Chapter 19, Article V, Division 1, Section 19-137(b), regulating fire lane parking from $35 to $50.
3. Appendix B of the Code of Ordinances of the City of Asheville is amended to increase the civil penalty for violation of Chapter 6, regulating Class D violations (obstructing fire apparatus roads and fire hydrants) from $35 to $50.
4. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this orcinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.
5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

6. This ordinance is effective upon adoption.

Read, approved and adopted this 14th day of May, 2013.

Magdalen Bouleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

ORDINANCE NO. 4187

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 14th day of May, 2013.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Construction agreement with NCDOT for the construction of a left turn land and the installation of a new traffic signal on NC 81 (Swannanoa River Road) at the intersection with Azalea Road

Magdalen Burleson
City Clerk

219

City of Asheville

Budget Amendment Details

1. Effective Date: 5/14/2013

2. Fiscal Year: 2012-13

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

PW- Stromwater	5/6/2013	
4. Requesting Department	**5. Today's Date**	**6. Preparer's Name**

7. Comments/Purpose: NCDOT Construction Agreement, NC 81 and Azalea Road

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Intrafund Project Transfers			$0	
41000231-498999-K1104	$0	$4,000	$75,000	$75,000
			$0	
Expenditures:			$0	
Infrastructure			$0	
41000231-615101-K1104	$165,386	$0	$240,386	$75,000
			$0	
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13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

ORDINANCE NO. 4188

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 14th day of May, 2013.

Magdalen Bullison
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Workers' Compensation Claims

Magdalen Bullison
City Clerk

221

City of Asheville

Budget Amendment Details

1. Effective Date: 5/14/2013

2. Fiscal Year: 2012-13

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

4. Requesting Department	5. Today's Date	6. Preparer's Name
Finance & Mgt Srv- Risk Management Division	5/7/2013	

7. Comments/Purpose: Workers' Compensation Claims

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Appropriated Fund Balance			$0	
81200037:499100	$0	$0	$500,000	$500,000
			$0	
Expenditures:			$0	
Insurance - Claims			$0	
81200037:525002	$873,774	$304,259	$1,373,774	$500,000
			$0	
			$0	
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13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

ORDINANCE NO. 4189

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 14th day of May, 2013.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Budget revision for the payment of stipends for one part time temporary intern in the Office of Sustainability.

Magdalen Bourleson
City Clerk

223

City of Asheville
Budget Amendment

1. Effective Date: 5/14/2013
2. Fiscal Year: 2012/2013

3. Amendment to Operating __X__ and/or Capital Project ____ appropriation.

Finance Department — 4. Requesting Department
5/14/2013 — 5. Today's Date
6. Department Head Signature

7. Comments/Purpose: to budget one part-time temporary intern from Warren Wilson College

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Other Local Participation				
1100-11000016-437100	$0	$0.00	$1,800	$1,800
Expenditure:				
Temporary/Seasonal				
1100-11000016-511003	$0	$0.00	$1,800	$1,800

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:
16. Ordinance Number:
17. Date Received in Budget & Research:
18. Date Sent to City Clerk:
19. Date Posted:
By:
Sheet #:

Must be received by Budget & Research 14 days prior to the City Council Meeting.

ORDINANCE NO. 4190

ORDINANCE CREATING A MULTIMODAL TRANSPORTATION COMMISSION

WHEREAS, the City Council of the City of Asheville has the authority pursuant to N.C.G.S. §160A-146 to establish boards and commissions to provide orderly and efficient administration of City affairs; and

WHEREAS, the City Council recognizes that the public welfare and interest of the City will best be served by the establishment of a Commission to uphold the sustainability and continued development of Multimodal Transportation as a means for reducing traffic congestion, improving air quality and economic development.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Article III of Chapter 2 of the Code of Ordinances of the City of Asheville is hereby amended to add a new Division 9, to read as follows:

"Division 9. Multimodal Transportation Commission.

Sec. 2-171. Creation; Composition; Organization.

(a) *Creation.* It is hereby declared that the public welfare and interest of the citizens of the City of Asheville and County of Buncombe, North Carolina, will best be served by the establishment of a Commission to uphold the sustainability and continued development of Multimodal Transportation as a means for reducing traffic congestion, improving air and water quality, supporting economic development, providing access to jobs, promoting public health, and improving and creating opportunities for active recreation.

(b) Composition. The Commission shall consist of nine (9) voting members and three (3) non-voting members, all of whom shall be residents of the City of Asheville and initially appointed as follows:

(1) Three voting members currently serving on the Transit Commission, who are recommended by the Transit Commission for appointment by City Council to the Multimodal Transportation Commission.

(2) Three voting members currently serving on the Greenway Commission, who are recommended by the Greenway Commission for appointment by City Council to the Multimodal Transportation Commission.

(3) Three voting members currently serving on the Bike and Pedestrian Task Force, who are recommended by the Bike and Pedestrian Task Force for appointment by City Council to the Multimodal Transportation Commission.

(4) One non-voting member currently serving on the Planning and Zoning Commission, who is recommended by the Planning and Zoning Commission for appointment by City Council to the Multimodal Transportation Commission.

(5) One non-voting member currently serving on the Neighborhood Advisory Board, who is recommended by the Neighborhood Advisory Board for appointment by City Council to the Multimodal Transportation Commission.

(6) One non-voting member currently serving on the Sustainable Advisory Committee on Energy & the Environment who is recommended by the Sustainable Advisory Committee on Energy & the Environment for appointment by City Council to the Multimodal Transportation Commission.

(c) Representation and Appointment Process: Members appointed by City Council to the Multimodal Transportation Commission shall represent various modes of transportation to include but not limited to: transit, greenways, automobiles, bikes, pedestrians, etc. Members shall possess expertise and interest in the sustainability and development of multimodal transportation and demonstrate willingness to participate actively in Commission efforts. The process used to recommend appointments to the Commission is at the discretion of the recommending Commissions/Boards/Sub-Committees.

(d) Removal: Members of the Commission shall be removed at the discretion of City Council.

(e) Term of office: Members of the Commission shall be appointed for three year terms. In appointing the original members of the Commission, the Council may appoint certain members for less than three years to the end that thereafter, the terms of all members shall not expire at the same time. Members may serve up to two consecutive terms.

(f) Organization and General Operation.

(1) Bylaws. Within twelve months from the date of adoption of the Ordinance creating the Commission, the Commission shall adopt bylaws.

(2) Meetings. The Commission shall adopt a regular meeting schedule. Special meetings may be called by the chairperson or, in her/his absence, by the vice chairperson, and special meetings shall be called upon the request of a majority of the members of the Commission.

(3) Selection of officers. The Commission shall select annually from its members a chairperson and a vice-chairperson.

(4) Staff Support: The City Manager will assign City staff to provide both technical and administrative support to the Commission.

(5) Attendance. The failure of any Commission member to attend 75 percent or more of the meetings of the Commission held during a 12-month period, without an excused absence being approved by the chairperson of the Commission, may be grounds for removal.

(6) Voting. A simple majority of Commission members, excluding vacancies, shall constitute a quorum. The chair or the presiding member of the Commission shall vote on all matters of business considered by the Commission, unless recused by a majority vote of the Commission.

(7) Transaction of business. The Commission shall act as a body in the transaction of all business, unless a committee or member is duly authorized by the commission for a specific purpose.

(8) Compensation. Members of the commission shall receive no compensation for their service, but shall be entitled to reimbursement for out-of-pocket expenses in connection with their official and authorized duties.

(9) Appointment of committees. The Commission is authorized to appoint committees from its membership or the community at large. Committee functions shall be fixed by the Commission at the time of appointment. Committees may be standing or ad hoc in nature and shall perform such duties as may be assigned by the Commission.

(10) Periodic Reviews and Dissolution Procedure. Periodic reviews of the progress of the Commission will occur as deemed necessary by the City Council. The Commission may be discharged or dissolved by Ordinance of City Council.

Sec. 2-172. Purpose.

(a) Subject to such limitations as may be imposed by state law or by ordinance of the City, the Commission is created for the following purposes:

(1) Recommend policies for the development/integration of multimodal transportation planning and education to the City;

(2) Assist with the development of a multimodal transportation system;

(3) Assist the City with the implementation of best management practices for educating the public on the benefits on multimodal transportation;

(4) Assist in the sustainability, development and implementation of the multimodal transportation plan;

(5) Assist in the prioritization of the Capital Improvements Plan as it relates to multimodal transportation projects; and

(6) Establish and appoint members to a Transit sub-committee and a Greenway sub-committee."

Section 2: Secs. 2-173-2-175. Reserved.

Section 3: This Ordinance is effective upon adoption.

Read, approved and adopted this 14th day of May, 2013

Magdalen Bouleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

ORDINANCE NO. 4191

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 28th day of May, 2013.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

PURPOSE: This Budget Amendment creates a budget for construction administration associated with the CTS Waterline Installation Project.

Magdalen Burleson
City Clerk

229

City of Asheville
Budget Amendment

1. Effective Date: 5/28/2013
2. Fiscal Year: 2012-13

3. Amendment to Operating __ and/or Capital Project _X_ appropriation.

Water Resources	5/28/2013	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: Create a budget for a new capital project, CTS Waterline Project, to hire either a Professional Engineer or Contract Administrator to manage the contract.

8: Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
CTS Waterline Project				
Tr Wtr Op 09/10				
61100911 - 498614 - W1313	$0.00	$0.00	$124,538.00	$124,538
Tr Wtr Op 11/12				
61100911 - 498616 - W1313	$0.00	$0.00	$30,462.00	$30,462
Contracted Services				
61100911 - 521001 - W1313	$0.00	$0.00	$155,000.00	$155,000
Revenue will be transferred from				
General Projects, W0001.				
			13. Balance of Transaction:	$310,000.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4192

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 28h day of May, 2013.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: This Budget Amendment is to increase the budget in the Parks, Recreation & Cultural Arts Department by $7,487 to fund safety improvements and site enhancements at Herb Watts playground.

Magdalen Burleson
City Clerk

231

City of Asheville

Budget Amendment Details

1. Effective Date: 5/28/2013

2. Fiscal Year: 2012-13

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

PRCA	5/20/2013	Christy Bass
4. Requesting Department	5. Today's Date	6. Preparer's Name

7. Comments/Purpose: Funds to be used for re-mulching the Herb Watts playground, sub-surface drainage improvements, and equipment replacement.

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Private Donations	$0	$0	$7,487	$7,487
11000803-483300			$0	
			$0	
Expenditures:			$0	
Deferred Maint. Projects	$489,970	$135,293	$497,457	$7,487
11008003-521001			$0	
			$0	
			$0	
			$0	
Revenue:			$0	
			$0	
			$0	
			$0	
			$0	
Expenditures:			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
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			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	

13. Balance of Transaction: $7,487.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

ORDINANCE NO. 4193

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 28th day of May, 2013

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Use of Federal HIDTA funds to purchase equipment and fund personnel costs and training for the Asheville HIDTA task force.

Magdalen Burleson
City Clerk

233

City of Asheville
Budget Amendment

1. Effective Date: 5/28/2013
2. Fiscal Year: 2012/2013

3. Amendment to Operating _x___ and/or Capital Project ____ appropriation.

Police	5/28/2013	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: to budget federal HIDTA funds

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Federal Grants				
22000121 435000 P1200	$0.00		$99,000.00	$99,000.00
Expenditure:				
Compensation - Overtime				
22000121 511004 P1200	$0.00		$17,500.00	$17,500.00
Contracted Services				
22000121 521001 P1200	$0.00		$12,240.00	$12,240.00
Training				
22000121 523001 P1200	$0.00		$19,500.00	$19,500.00
Supplies				
22000121 524001 P1200	$0.00		$14,760.00	$14,760.00
Awarded Grants				
22000121 527101 P1200	$0.00		$0.00	$0.00
Police Special Purposes	$0.00			
22000121 528304 P1200			$35,000.00	$35,000.00
			13. Balance of Transaction:	$99,000.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4194

ORDINANCE AMENDING CONDITIONAL ZONING FOR WEIRBRIDGE VILLAGE TO ALLOW FOR CHILD CARE CENTERS

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, the property that is the subject of this amendment was zoned to a HB (CZ) zoning classification in November 2006 (City Ordinance No. 3411), which included a site plan for a proposed development; and

WHEREAS, the applicant now seeks to amend the site plan to allow child care centers as a permitted use on the commercial outparcel portion of the development; and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. The amendment allows for the compatible use of child care centers at Weirbridge Village.
b. A traffic study and recommendations have been completed for this use with recommended traffic patterns and practices.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. City of Asheville Ordinance No. 3411 (Exhibit B, paragraph 13) be, and the same is hereby, amended by adding child care centers to the list of permitted uses on the commercial outparcel portion of the development.

Section 2. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. That this ordinance shall be enforced as provided in Article 18 of Chapter 7 and Section 1-5 of the City Code

Section 6. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 28th day of May, 2013.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

ORDINANCE NO. 4195

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY(S) LOCATED AT 63 BROOK STREET AND 2 WARREN AVENUE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. City goals support mixed-use development, especially providing residential uses in a walkable location proximate to transit;
b. Streetscape and roadway improvements will enhance the pedestrian experience and safety;
c. Design review of the Brook Street building by the HRC ensures historic appropriateness to Biltmore Village and aesthetic cohesiveness, extending the "look" of the Village to this eastern edge

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PINs 9647.79-3754; 9647.79-4517; 9647.79-4587 and 9647.79-5641 from Community Business I (CBI) and Residential Single Family High Density District (RS-8) to Community Business I – Conditional Zoning district. A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B", attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 6. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 28th day of May, 2013.

Magdalen Bullison
City Clerk

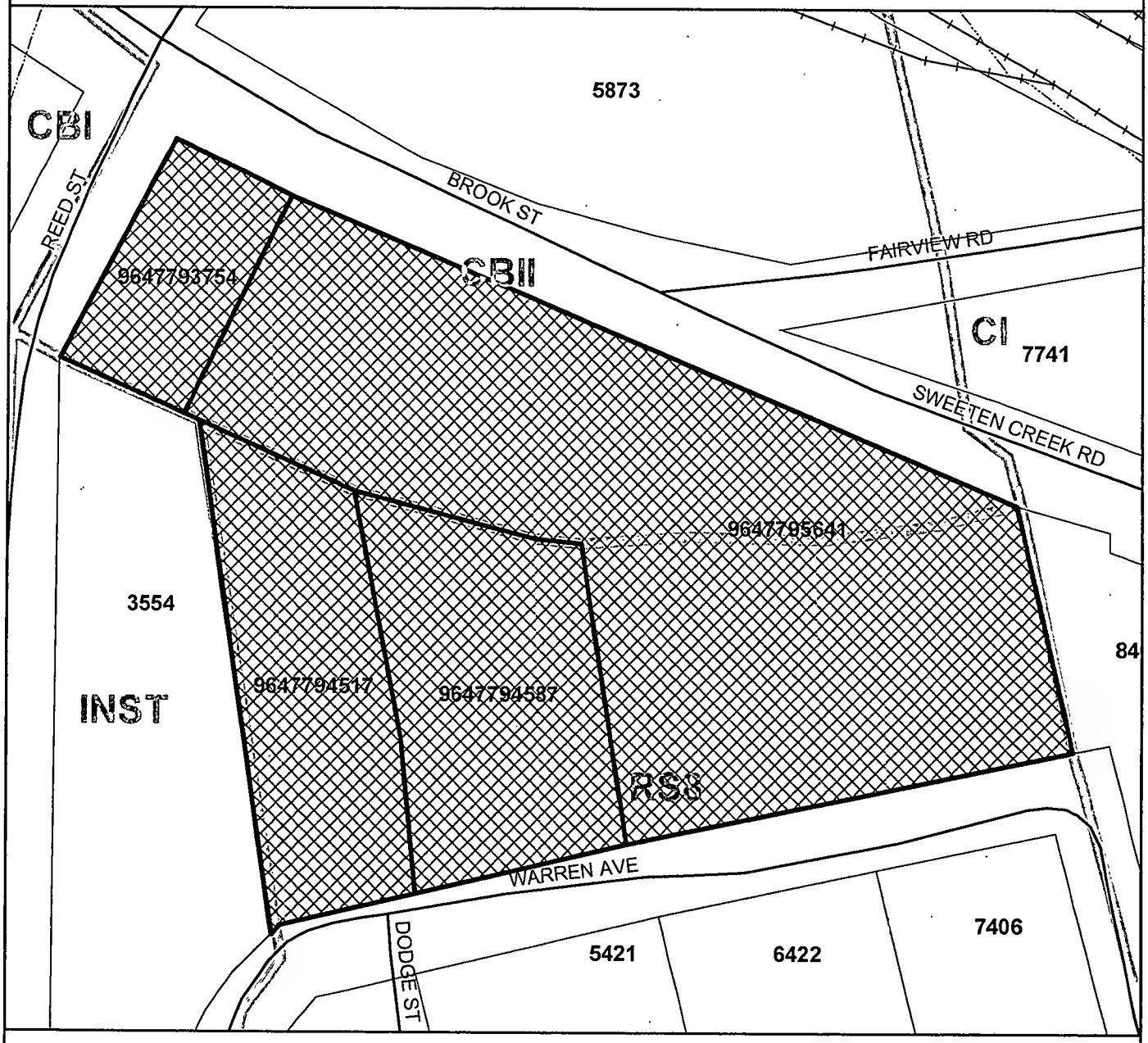
Mayor

Approved as to form:

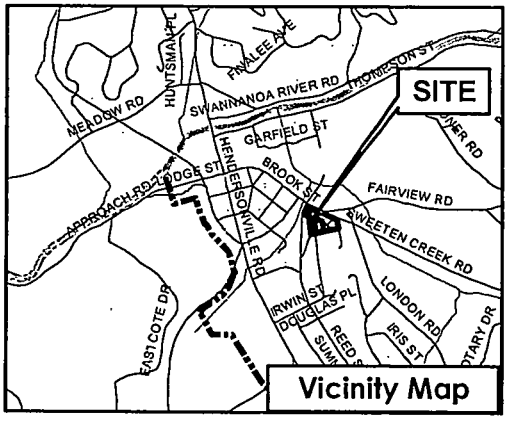
City Attorney

Magdalen Bullison
City Clerk

City of Asheville - Exhibit A Map
Conditional Zoning Petition (CBII CZ)



Project Name:	Biltmore Hill
Project Number:	CZ 13 - 51 - 003
Project Description:	Construction of a mixed-use development (retail and residential)
Petitioner(s):	Bryan Moffit
Parcel ID Number(s):	9647.79-3754; -5641, -4517; -4587
Location/Address:	63 Brook Street



Project Site | Parcels | Zoning Districts | Asheville City Limits | Streets | Streams

City of Asheville Planning and Development Department - March 22, 2013

EXHIBIT B
CONDITIONS

1. The Project shall comply with all conditions outlined in the TRC staff report.

2. All site lighting must comply with the City's Lighting Ordinance, Section 7-11-10, of the Unified Development Ordinance. A detailed lighting plan illustrating compliance with the ordinance will be required upon submittal of detailed plans to be reviewed by the Technical Review Committee.

3. All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape and grading plans.

4. Any deviation to the building design, construction materials and orientation on the site must comply with the conceptual site plan and building elevations presented with this application can only be through requirements by the Historic Resources Commission's review (based on Biltmore Village Design Guidelines). Any other deviation from these plans may result in reconsideration of the project by the reviewing boards.

5. This Project will undergo final review by the TRC prior to issuance of any required permits.

6. Compliance with the Biltmore Village Design Standards for the portion of the property within the overlay is required prior to issuance of a zoning permit.

7. Review and approval of the off-site parking lot (2 Fairview Road) is required prior to final zoning approval (and is required prior to CO).

8. The building along Warren Avenue is residential only and may not be used for any commercial purposes.

ORDINANCE NO. 4196

ORDINANCE AMENDING ZONING FOR PROPERTY(S) LOCATED AT OR NEAR THOMPSON ST (10.5 ACRES)

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. The proposed zoning is suitable for the subject area and consistent with other adjacent and nearby zoning.
b. The proposed zoning map amendment supports the goals of the City Development Plan 2025 related to river-area land use, smart growth concerns, transportation opportunities, potential for economic growth and greenway and environmental features.
c. The zoning change is consistent with the Wilma Dykeman Riverway Masterplan.
d. The change in zoning classification could encourage private investment and redevelopment in the subject area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property(s) described in Exhibit A and identified on Buncombe County tax maps as PIN 9648-81-9209 from River to UP (Urban Place). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. That this ordinance shall be enforced as provided in Article 18 of Chapter 7 and Section 1-5 of the City Code.

Section 6. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 28th day of May, 2013.

Magdalen Bullerson
City Clerk

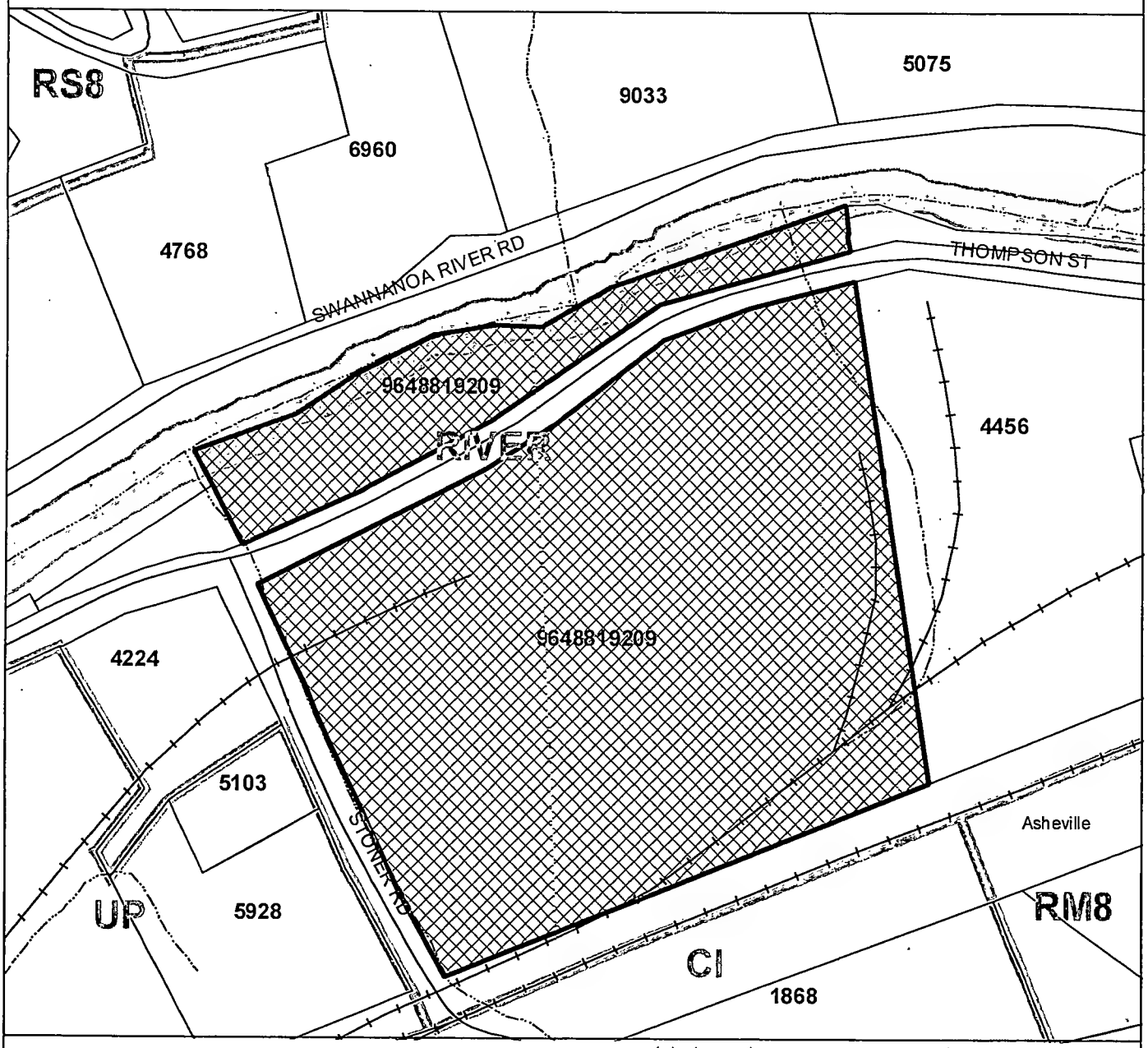
Mayor

Approved as to form:

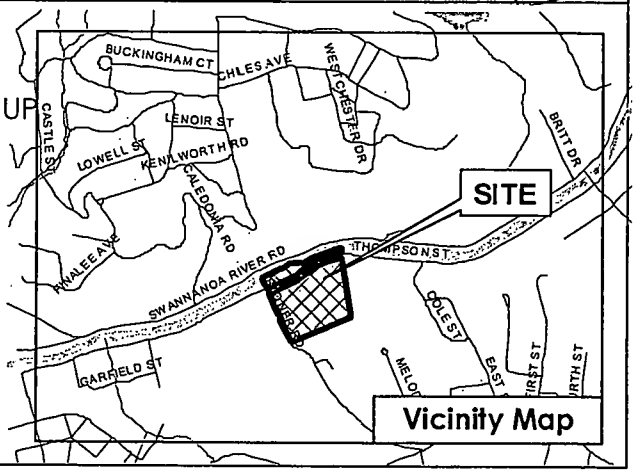
City Attorney

Magdalen Bullerson
City Clerk

City of Asheville - Exhibit A Map
Thompson Street Rezoning Request



Project Name:	Thompson Street Rezoning
Project Number:	REZO 13-50-002
Project Description:	Rezoning request from River to UP
Petitioner(s):	George Morosani
Parcel ID Number(s):	9648-81-9209
Location/Address:	Thompson Street



Project Site | Parcels | Zoning Districts | Asheville City Limits | Streets | Streams

City of Asheville Planning and Development Department - 04/05/13

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ORDINANCE NO. 4197

ORDINANCE AMENDING ZONING FOR PROPERTY(S) LOCATED AT OR NEAR SWEETEN CREEK INDUSTRIAL PARK (2.8 ACRES)

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. The proposed zoning map amendment is suitable for the subject area and consistent with other adjacent and nearby land uses, taking into account required buffering for any future development.
b. The proposed zoning map amendment complies with important goals of the Comprehensive Plan.
c. The zoning change would increase capacity for economic development in the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property(s) described in Exhibit A and identified on Buncombe County tax maps as a portion of PIN 9657-51-1778 from RS-8 (Residential Single-Family High Density) to IND (Industrial). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. The boundary of the affected property is further described as follows: BEGINNING at a point being the far northernmost point of the parcel of land shown as Tract "B" as set forth in plat recorded in Plat Book 57, Page 63

Buncombe County, North Carolina Registry, and said Beginning point also being the beginning point of that certain tract or parcel of land described in a deed to Old Dominion Freight Line, Inc. recorded in Book 2034, Page 25 in said registry; thence from said Beginning point thus established on a new line South 31° 47' 51" East 568.7 feet to a point; thence South 60° 15' 15" West 434.07 feet to a point in the eastern line of said Old Dominion Freight Line, Inc.; and thence with the said Old Dominion Freight Line, Inc. eastern line North 6° 18' 21" East 702.97 feet to the point and place of the BEGINNING.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 6. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 11th day of June, 2013.

Magdalen Burleson
City Clerk

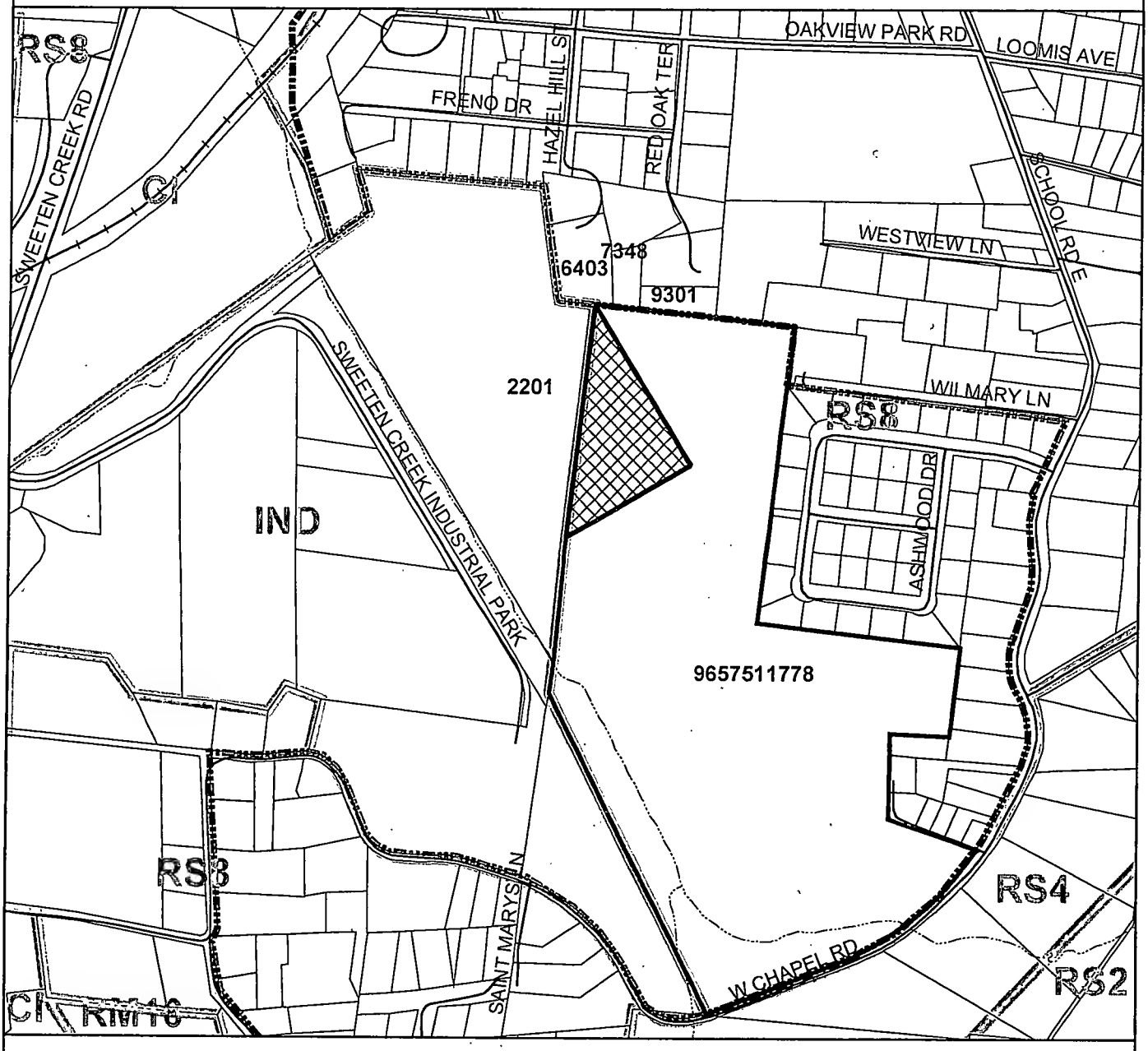
Mayor

Approved as to form:

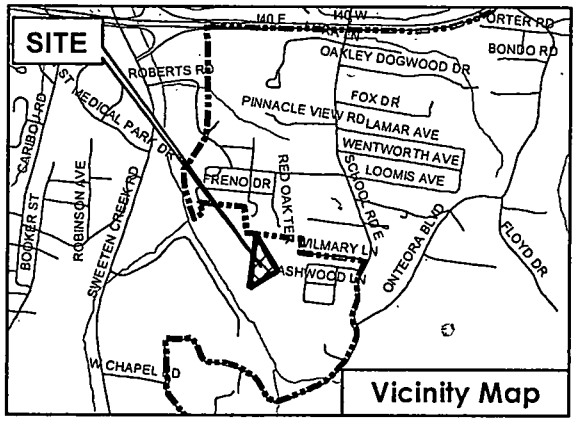
City Attorney

Magdalen Burleson
City Clerk

City of Asheville - Exhibit A Map
Rezoning Petition



Project Name:	Sweeten Creek Industrial Park
Project Number:	REZO 13-50-005
Project Description:	From RS8 to IND (Industrial)
Petitioner(s):	City of Asheville
Parcel ID Number(s):	9657-51-1778
Location/Address:	E of Sweeten Crk. Industrial Park



Project Site | Parcels | Zoning Districts | Asheville City Limits | Streets | Streams

City of Asheville Planning and Development Department - May 21, 2013

ORDINANCE NO. 4198

ORDINANCE REPEALING CITY ORDINANCE NO. 2621, CREATING THE ASHEVILLE GREENWAY COMMISSION

WHEREAS, the Asheville City Council adopted Ordinance No. 2621, on September 28, 1999, creating the Asheville Greenway Commission; and

WHEREAS, on the 14th day of May, 2013, the City Council of the City of Asheville adopted an ordinance establishing the Multimodal Transportation Commission, whose functions are broad and include the identical functions required of the Asheville Greenway Commission; and

WHEREAS, the Asheville Greenway Commission is no longer needed as a separate Commission of the City of Asheville;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. Ordinance No. 2621, codified as Division 12, Sections 2-185.11 through 2-185.19, of the Code of Ordinances of the City of Asheville, creating the Asheville Greenway Commission, is hereby repealed and the Commission is hereby dissolved.

2. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declare that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that anyone or more sections, subsections, sentences, clauses, or phrases be declared invalid.

3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

4. This ordinance shall take effect on July 1, 2013.

Read, approved and adopted this 11th day of June, 2013.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

247

ORDINANCE NO. 4199

ORDINANCE REPEALING CITY ORDINANCE NO. 2587 CREATING THE ASHEVILLE TRANSIT COMMISSION

WHEREAS, the Asheville City Council adopted Ordinance No. 2587, on June 22, 1999, renaming the Asheville Transit Authority to the Asheville Transit Commission and setting forth new provisions for the functioning of the Commission; and

WHEREAS, on the 14th day of May, 2013, the City Council of the City of Asheville adopted an ordinance establishing the Multimodal Transportation Commission, whose functions are broad and include the identical functions required of the Asheville Greenway Commission; and

WHEREAS, the Asheville Transit Commission is no longer needed as a separate Commission of the City of Asheville;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. Ordinance No. 2587, codified as Division 6 of Chapter 2, Section 2-131, of the Code of Ordinances of the City of Asheville, creating the Asheville Transit Commission, is hereby repealed and the Commission is hereby dissolved.

2. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declare that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that anyone or more sections, subsections, sentences, clauses, or phrases be declared invalid.

3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

4. This ordinance shall take effect on July 1, 2013.

Read, approved and adopted this 11th day of June, 2013.

Magdalen Bullock
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

ORDINANCE NO. 4200

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 25th day of June, 2013.

Magdalen Bamberson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Technical adjustments to: 1) appropriate sufficient budget to cover event settlement expenses previously netted against operating revenue; and 2) eliminate interfund liability between the Golf Fund and the General Fund.

Magdalen Bamberson
City Clerk

249

City of Asheville

Budget Amendment Details

1. Effective Date: 6/25/2013

2. Fiscal Year: 2012-13

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

Finanace & Mngt Services | 4. Requesting Department

5. Today's Date

6. Preparer's Name

7. Comments/Purpose: Technical Budget Amendment for US Cellular Fund Settlement expeses

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Civic Ctr Ticket Office Hdlng			$0	
62600903:450359	$0	$500,000	$170,000	$170,000
			$0	
Expenditures:			$0	
Show Settlement Expense			$0	
62600904:528013	$0	$159,132	$170,000	$170,000
			$0	
			$0	
			$0	
			$0	
			$0	
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			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

City of Asheville

Budget Amendment Details

1. Effective Date: 6/25/2013

2. Fiscal Year: 2012-13

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation:

Finanace & Mngt Services | 4. Requesting Department | 5. Today's Date | 6. Preparer's Name

7. Comments/Purpose: Technical Budget Amendment for Golf Fund - Close Out

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Appropriated Fund Balance			$0	
11000010:499100	$650,000	$0	$1,150,000	$500,000
			$0	
Expenditures:			$0	
Transfer to Golf Course			$0	
11090060:800670	$140,000	$0	$640,000	$500,000
			$0	
			$0	
			$0	
			$0	
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			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc.

251

ORDINANCE NO. 4201

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 25th day of June, 2013.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Asphalt Paving Impvts - Phase I

Magdalen Bowlson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2012-13

3. Amendment to Operating _x___ and/or Capital Project _x___ appropriation.

Public Works — 6/25/2013
4. Requesting Department — 5. Today's Date — 6. Department Head Signature

7. Comments/Purpose: to budget funding for paving contract

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
4100 Fund:				
Revenue:				
Various Accounts				
4100xxxx 4xxxxx A0901	$0.00		$190,643.00	$190,643.00
Expenditures:				
Transfer to General Fund				
41090010 800110 A0901	$567,000.00		$757,643.00	$190,643.00
1100 Fund:				
Revenue:				
Transfer from Cap Proj Fund				
11090060 498401	$283,000.00		$473,643.00	$190,643.00
App Fund Balance				
11090060 498401	$1,150,000.00		$1,362,210.00	$212,210.00
Degred. Fees				
11003002 450006	$0.00		$15,742.00	$15,742.00
Expenditures:				
Contracted Services				
11003002 521001	$756,498.50		$1,175,093.50	$418,595.00

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

253

ORDINANCE NO. 4202

ORDINANCE AMENDING THE CITY OF ASHEVILLE FEES AND CHARGES MANUAL TO INCREASE THE FEE FOR ADDITIONAL ROLL-CARTS

WHEREAS, NCGS §160A-314 authorize local North Carolina municipal governments to establish and revise from time to time schedules of rents, rates, fees, charges and penalties for public enterprise services; and

WHEREAS, the provision of solid waste is a public enterprise service number NCGS §160A-311; and

WHEREAS, on March 26, 2013, City Council established a $7.00 fee for Solid Waste collection, effective July 1, 2013; and

WHEREAS, currently, the City's Fees and Charges Manual allow customers to obtain an additional roll-cart for the disposal of solid waste for $6.90 per month; and

WHEREAS, the $6.90 for an additional roll-cart was inadvertently left unchanged when the $7.00 fee was established; and

WHEREAS, to avoid the price signal that the more you throw away, the less you pay, City staff recommend that the $6.90 per month for an additional roll-cart be increased to $7.00 per month;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City of Asheville Fees and Charges Manual be amended as set forth on the attached Exhibit "A."

2. That this Ordinance becomes effective July 1, 2013.

Read, approved, and adopted this 25th day of June, 2013.

Magdalen Bullman
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullman
City Clerk

CITY OF ASHEVILLE
FEES & CHARGES MANUAL

DEPARTMENT Public Works **DIVISION** Sanitation

Revenue Name Municipal Solid Waste Fee

Account Code see below

Description of Revenue

Revenue derived from the charges assessed for curbside municipal solid waste services in the City of Asheville.

Fee Schedule

A. Standard municipal solid waste fee **Account Number: 11000311:450122**	$7.00 per household per month
B. Rental fee for additional municipal solid waste roll-out container **Account Number: 11000311:450110**	$7.00 per cart per month

255

ORDINANCE NO. 4203

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 25th day of June, 2013.

Magdalen Bowlesson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Budget amendment to receive funds from the NC Department of Commerce and Duke Energy Progress for energy programming.

Magdalen Bowlesson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2012-2013

3. Amendment to Operating __X__ and/or Capital Project ____ appropriation.

Finance Department
4. Requesting Department | 5. Today's Date | 6. Department Head Signature

7. Comments/Purpose: to budget compensation- part time for energy efficiency programming

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Federal Grant				
11000016:435000	$0		$6,352	$6,352
Revenue:				
Energy Efficiency Rebate	$21,801		$23,004	$1,203
11000016 488014				
Expenditure:				
Compensation- Part Time				
11000016:511002	$18,753		$26,308	$7,555
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

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ORDINANCE NO. 4204

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 25th day of June, 2013.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: APD Evidence Room HVAC

Magdalen Burleson
City Clerk

City of Asheville

Budget Amendment Details

1. Effective Date: 6/25/2013

2. Fiscal Year: 2012-13

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

General Services Department | 6/11/2013 | 4. Requesting Department | 5. Today's Date | 6. Preparer's Name

7. Comments/Purpose: APD Evidence Room HVAC

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Oper Transfers from General Fd			$0	
41000131:498100:B1302	$0	$0	$50,000	$50,000
Intrafund Project Transfers			$0	
41000313:498999:B1302	$0	$0	$50,000	$50,000
Expenditures:			$0	
Cont Ser - Maint & Rep - Build			$0	
41000120:521020:B1302	$0	$0	$100,000	$100,000
			$0	
Mach & Equip			$0	
11000123:614101	$50,000	$0	$0	($50,000)
Tranf to Gen Cap Project Fund			$0	
11090060:800410	$868,695	$65,663	$918,695	$50,000
			$0	
			$0	
			$0	
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			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

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ORDINANCE NO. 4205

ORDINANCE GRANTING FRANCHISE TO OPERATE A TROLLEY BIKE TOUR SERVICE (PUB CYCLE) WITHIN THE CITY OF ASHEVILLE

WHEREAS, the City of Asheville (herein "City") has the authority pursuant to G.S. 160A-296 to control the use of streets and sidewalks within the city; and

WHEREAS, the City of Asheville has the authority pursuant to G.S. 160A-76 to grant franchises; and

WHEREAS, Peech Development, Inc. d/b/a Amazing Pubcycle, a North Carolina Corporation (herein "Amazing Pubcycle"), proposes to operate a trolley bike tour service on the streets of the City; and

WHEREAS, the City has determined that it is in the public interest to permit the operation of said service on the City's streets, subject to certain terms and conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Amazing Pubcycle is hereby granted a franchise to operate a Trolley Bike Tour Service (herein "Pubcycle") on the streets of the City of Asheville subject to the following terms and conditions:

1. Route: The Pubcycle Service is allowed only in the following areas: the Central Business District (CBD), as shown on the map attached hereto as **Exhibit A**. In addition, the Pubcycle is prohibited from operating on public streets where the speed limit is thirty-five (35) miles per hour or higher. The operation of the Pubcycle Service shall be designed so as to minimize traffic impacts upon the general circulation of vehicular and pedestrian traffic of the City. The Pubcycle Service shall not load or unload passengers directly from Patton Avenue, College Street, Broadway or Biltmore Avenue unless there is an open parking space or a loading/unloading zone into which the Pubcycle can safely enter in order to prevent blocking the flow of traffic.

   The Pubcycle Service is also prohibited from operating on any State of North Carolina maintained street within the Central Business District including US 25 (Biltmore Ave/Broadway), SR 3284 (South Charlotte Street), and NC 694 (Town Mountain Road) except with express written permission from the NCDOT and a copy of such permission is delivered to the Transportation Director.

2. Stops and Parking: Pubcycle Service stops may not exceed three minutes on any public right-of-way, except as necessary to embark and debark passengers, or with the written permission of the City Traffic Engineer. Loading zones may be used for stops of this limited duration. All service stops shall be made in a way to minimize any possible disruption to the flow of vehicular traffic. It is anticipated that the Pubcycle Service will secure parking mainly in private lots when longer stops (i.e. waiting for passengers while they are in restaurants) are required.

3. Operating times/frequency: For all operations, the hours of operation shall be limited to between 1:00 p.m. to 3:00 a.m., Monday thru Friday, and no restrictions on Saturdays, Sundays and City Holidays. City reserves the right to change these hours at its sole discretion, provided that ABT is given a 30 day notice of such change. The Pubcycle is prohibited from operating in any City approved festival or event area where the roadways are blocked including, but not limited to, the Bele Chere festival except with written permission from the event organizer.

4. Terms of Franchise/Renewal: The term of this Franchise shall be for one year beginning on the date of commencement of operations (of which Pubcycle shall notify City) and ending one year from that date. Applicant may apply for renewal of the Franchise four months prior to the end of this initial term.

5. Insurance: Amazing Pubcycle shall maintain Commercial General Liability insurance, including coverage for contractual liability, liability from independent contractors, property damage liability, bodily injury liability, and personal injury liability with limits of not less than $1,000,000 per occurrence, and $1,000,000 annual aggregate. The coverage shall be written on an occurrence basis. At all times during the term of this Franchise, Amazing Pubcycle shall maintain statutory Workers' Compensation insurance in accordance with the laws of North Carolina. Amazing Pubcycle shall also maintain Employers' Liability insurance with limits of not less than $500,000 per accident and $100,000 each employee for injury by disease. In the event of bodily injury or property damage loss caused by Amazing Pubcycle's negligent acts or omissions in connection with Amazing Pubcycle's services or operations associated with this Agreement, Amazing Pubcycle's Liability insurance shall be primary with respect to any other insurance which may be available to the City, regardless of how the "Other Insurance" provisions may read. Amazing Pubcycle shall submit copies of all said policies and a certificate of insurance naming

the City as an additional insured for the approval of the City's Risk Manager. Approval from the City's Risk Manager shall be obtained prior to beginning any operation in the City of Asheville.

Amazing Pubcycle shall submit copies of said insurance policy and a certificate of insurance for approval to the City's Transportation Director prior to starting operations in the City of Asheville.

6. Indemnity: By commencing operation under this Franchise, Peech Development, Inc. d/b/a Amazing Pubcycle agrees to indemnify and hold harmless the City against any liability for personal injury, property damage or other damage or injury arising from or in connection with any of its 's operations, including operation of the Pubcycle Service under this Franchise, and its insurance policy shall name the City as an additional insured to this effect.

7. Pubcycle/Trolley Bike Equipment/Condition of Vehicle: The pubcycle or trolley bike will be a pedal-assisted motorized vehicle that is licensed and plated by the NC Department of Transportation as a slow moving vehicle. The vehicle's approximate speed is 6-8 mph but has the ability to travel at speeds up to 25 mph. The vehicle is approximately 18' long and 6' wide, or about the size of a full-size pickup truck. It holds up to 15 passengers, plus a Conductor and possibly an additional watchman. Safety features of the vehicle are expected to include headlamps, tail lamps, stop lamps, turn signals, a Type AS-1 or AS-5 glazing windshield with wiper, reflex bumpers, parking brake, rearview mirrors, a horn, and seatbelts. Amazing Pubcycle is responsible for ensuring that all pubcycle/trolley equipment is maintained in a safe and operable condition in accordance with applicable laws. The City reserves the right to have the vehicle inspected by the City's taxi inspector, appointed pursuant to city Code Sec. 18-9, and to restrict operation of any vehicles that fail inspection.

8. Standards for Drivers/Conductors: The pubcycle/trolley bike will have a designated driver known as the Conductor and possibly another representative of the company known as the Watchman who will assist with tours and enforcement of rules. Amazing Pubcycle shall certify in writing to the City that each driver has a valid North Carolina driver's license, is medically fit to operate the pubcycle/trolley bike and has submitted a complete criminal background check. Amazing Pubcycle shall keep these records on file and will supply this information to the City upon request. Drivers with convictions for crimes of moral turpitude, driving while impaired, controlled substance offenses and sex offenders are prohibited from operating the pubcycle/trolley bike within the City limits.

9. Non-transferability/Amendment: This Franchise shall constitute a certificate of public convenience and necessity for the operation of the Pubcycle Service. This Franchise is not transferable, except to another entity owned by Amazing Pubcycle with written agreement from the City, and may not be amended except as provided in G.S. 160A-76 and G.S. 160A-304(b). This Franchise is not exclusive.

10. Revocation/Termination: The City may revoke this Franchise at any time for failure by Amazing Pubcycle to comply with any of the provisions hereof; provided, that Amazing Pubcycle shall receive 10 day's notice of said revocation during which time this franchise may only be suspended.

The City may revoke this Franchise for any reason upon 30 days notice to Amazing Pubcycle. Amazing Pubcycle shall be entitled to no compensation or payment as a result of the revocation of this franchise for any reason.

Amazing Pubcycle may cease operations under this Franchise upon 30 days notice to the City.

11. Notice: Any notices required or permitted pursuant to this franchise shall be first class mail or personal delivery to the parties as follows:

If to Peech Development, Inc. d/b/a/ Amazing Pubcycle:
Shawn Verbrugghe
88 Barnard Ave.
Asheville, NC 28804

If to City:
City Attorney
70 Court Plaza
Asheville, NC 28802

Compliance with the formalities of this section may be waived.

Peech Development Inc. d/b/a Amazing Pubcycle shall at all times maintain an office or business location in the City of Asheville, and shall pay all City privilege license fees, and other taxes and fees associated with operation. Amazing Pubcycle shall designate an individual to be its agent for service of process in accordance with North Carolina law, and shall keep the City advised of any changes in said agent or its address.

12. Franchise Fee: The fee for the operation of this Franchise shall be $1.00 per day for each day of the term of the Franchise, payable in a lump sum on or before the date of operation of service.

13. Temporary Suspension/Modification: This Franchise and any of the terms and conditions thereof, including those relating to route, stops, and scheduling are subject to temporary suspension or modification by the City as necessary for the City to exercise and maintain control over its streets and public ways. The reasons for such action may include (by way of example and not limitation), the following: (a) closing of streets for repairs; (b) closing of streets for parades and festivals; (c) change in direction of one way streets; (d) changes in parking configuration. Any such action shall be within the City's sole discretion without recourse by Amazing Pubcycle. The City will endeavor to provide advance notice of such action, but shall not be bound to do so. Suspension or modification expected to be of more than 30 days duration will require amendment to this Ordinance.

14. Compliance with Laws: Peech Development, Inc. d/b/a Amazing Pubcycle shall comply with all applicable federal, state, and local laws in the operation of its business including, but not limited to, the City of Asheville open container ordinance, and the State of North Carolina Alcoholic Beverage Control (ABC) laws (i.e. NCGS 18B-401; NCGS 20-4.01 (27); NCGS 20-138.7; NCGS 138.2C).It has been determined that because the pubcycle/trolley bike will be licensed as a slow-moving vehicle, it does not, per se, conflict with the City's open container ordinance (Section 11-11). However, requirements of this ordinance must still be observed (i.e. passengers cannot leave the vehicle with an open container). Amazing Pubcycle shall also be responsible for obtaining all necessary licenses and permits including, but not limited to, ABC permits and licenses or permits from the NC Department of Transportation.

Section 2. All ordinances and clauses of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 25th day of June, 2013 on first reading and on the second and final reading the 23rd day of July, 2013.

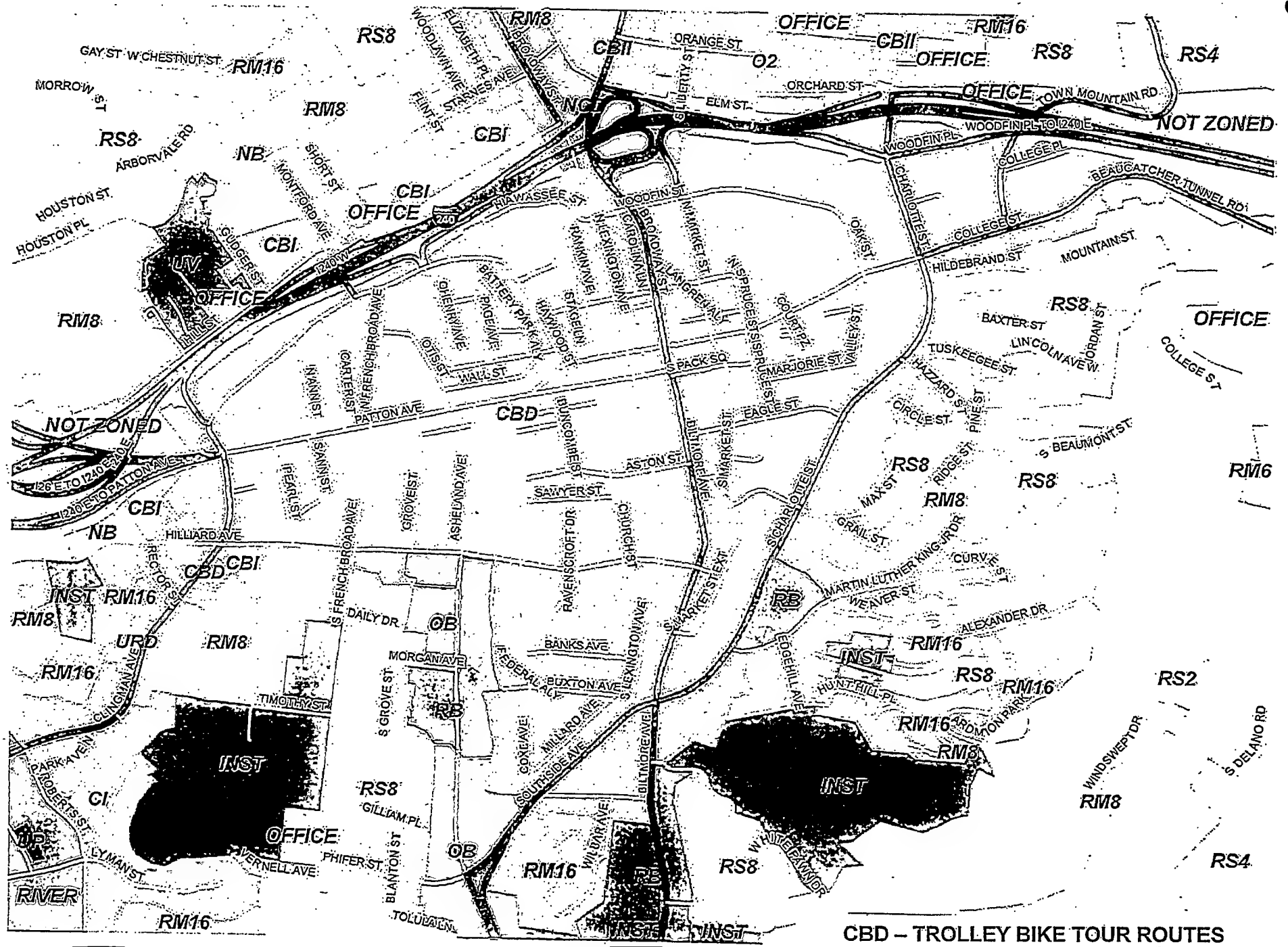
Magdalen Bouleson
City Clerk

Mayor

Approved as to form:

Martha McMahon
City Attorney

Magdalen Bouleson
City Clerk



CBD – TROLLEY BIKE TOUR ROUTES

Exhibit A

ORDINANCE NO. 4206

ORDINANCE AMENDING ZONING FOR PROPERTY(S) LOCATED AT OR NEAR 42 OLD COUNTY HOME ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. The proposed zoning amendment is suitable for the subject area and consistent with other adjacent and nearby land uses.
b. Staff analysis indicates that the proposed zoning district would meet a smart-growth goal of the comprehensive plan better than the current zoning district.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property(s) described in Exhibit A and identified on Buncombe County tax maps as PIN 9628-89-1121 from HB (Highway Business) to RM-8 (Residential Multi-Family Medium Density). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining

portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 6. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 25th day of June, 2013.

Magdalen Bullion
City Clerk

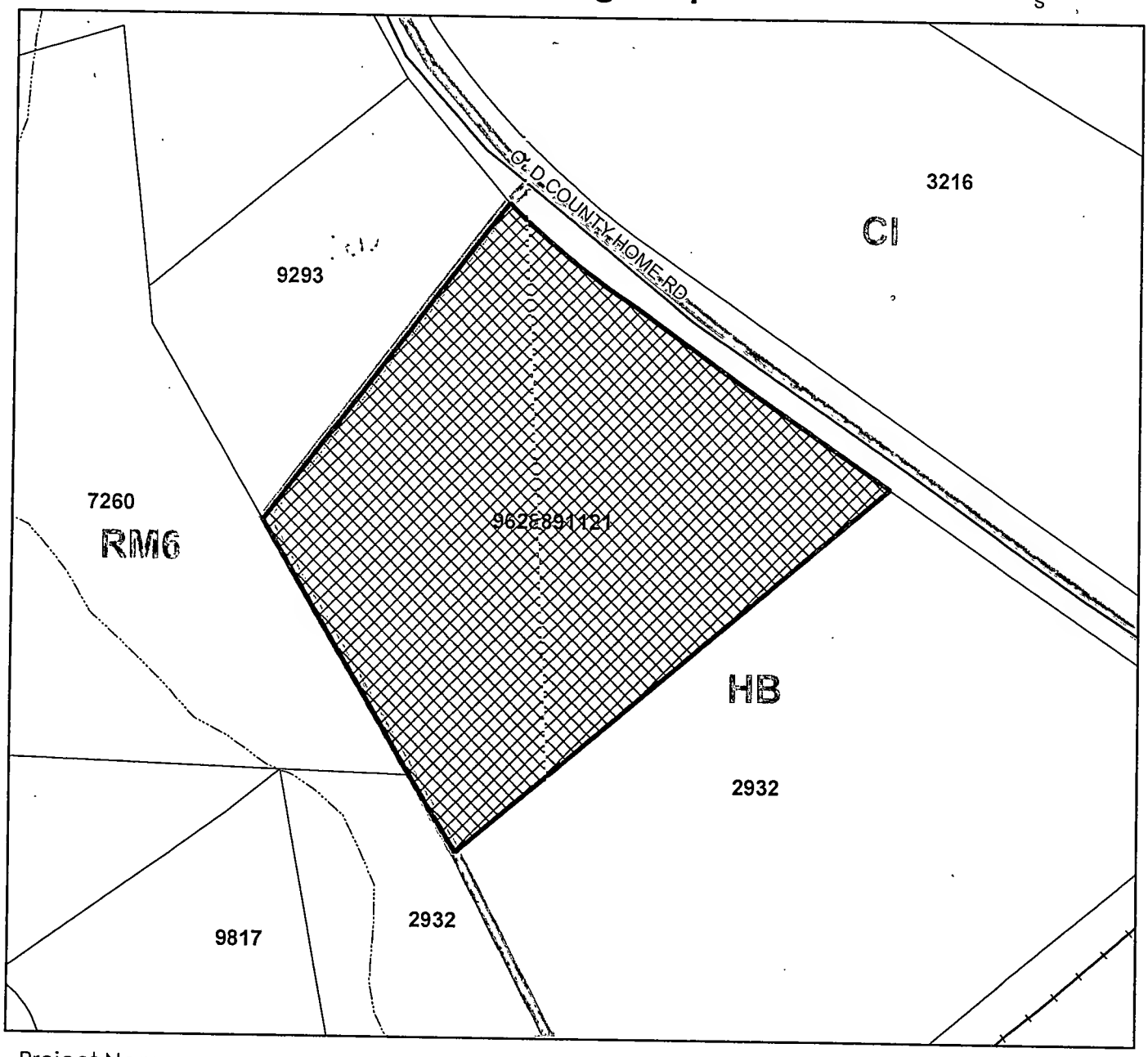
Mayor

Approved as to form:

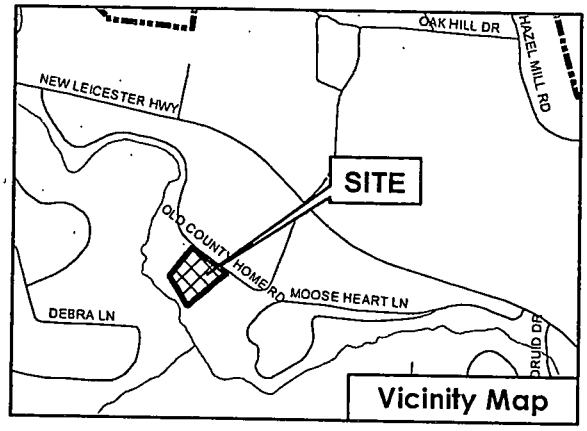
City Attorney

Magdalen Bullion
City Clerk

City of Asheville - Exhibit A Map
Rezoning Request



Project Name:	Rezoning Request
Project Number:	13-50-003
Project Description:	Rezone from HB to RM-8
Petitioner(s):	Michael Ledford
Parcel ID Number(s):	9628-89-1121
Location/Address:	42 Old County Home Roac



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Development Department - May 2013

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ORDINANCE NO. 4207

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO PROVIDE MINOR CHANGES TO THE REGULATIONS FOR MOBILE FOOD VENDING, AND REMOVING LIMITATIONS ON THE NUMBER OF PERMITS IN THE DOWNTOWN CENTRAL BUSINESS DISTRICT

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. Provides opportunity for new business activity; and
b. Allows an ordinance to remain up to date to current standards and practices; and
c. Allows the ordinance to be evaluated and changes proposed as concerns are addressed;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Chapter 7 of the Asheville Code of Ordinances be amended as follows:

a. Section 7-16-1(c)(44) b.2.c. is revised to read:

"c. The number of permits issued for individual mobile kitchens will be limited to two in the Biltmore Village Historic District.

In Biltmore Village and the downtown national register district (corresponding to the adopted map '*Traditional Downtown Core*' located in 7-8-18 of the UDO) an individual person or other entity may secure no more than one permit for a single mobile kitchen, but they may operate from multiple locations within these areas subject to the ability to meet other permitting requirements. Because the number of permits is limited in Biltmore

Village, a vendor who secures a mobile food vending permit and fails to operate within 30 days of issuance of the permit shall have their permit revoked"

b. Section 7-16-1(c)(44) c. is revised by adding the following provision as Sec. 7-16-1(c) 44 c.8:

"8. Proposed dining areas and related furniture if any (approved subject to evaluation for compliance with the NC State Building Code)."

c. Section7-16-1(c)(44) d. 11. is revised to read:

"11. Vendors may not bring temporary facilities such as tents, shade cloths, or temporary restrooms to the mobile food site. In any event a single chair may be brought by the vendor for use by staff."

Section 2. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. This ordinance is effective upon adoption.

Read, approved, and adopted this 25th day of June, 2013.

Magdalen Bowlesom
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlesom
City Clerk

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ORDINANCE NO. 4208

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE CONCERNING CLARIFICATIONS TO AND MODIFICATIONS OF CURRENT SIGN CODE STANDARDS

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Unified Development Ordinance of the City of Asheville currently provides equitable standards for various commercial sign needs; and

WHEREAS, it has been determined that there may be existing standards that require clarification and other standards that warrant reconsideration; and

WHEREAS, providing greater clarity and flexibility for sign identification is beneficial for the City of Asheville; and

WHEREAS, this proposed change to the ordinance is determined to be reasonable and in the public interest as follows:

a. It will provide greater clarity to some standards and reduce disparate application and enforcement.
b. It will update current standards to better match existing needs and practices.
c. It will provide more flexibility for commercial sign identification needs.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Chapter 7 of the Asheville Code of Ordinances be amended as follows:

a. Sec. 7-9-5(c)(1)(c) is revised to read:

(c) A manufactured housing community shall comply with the provisions for subdivision and multi-family development signs in Article XIII of this chapter.

b. Sec. 7-13-2(b)(1) is revised to read:

"(1) General requirements. Except as otherwise provided in subsections 7-13-2(c) and 7-13-2(d) it shall be unlawful to erect or maintain any sign or sign structure without first obtaining a sign permit. Further, no permit for a new sign may be issued on a property until any residual sign structure from a previous sign no longer in use has been removed.

Application for the permit shall be made in writing on forms furnished by the sign administration and signed by the applicant or authorized agent. Furthermore, maintenance requirements covered under section 7-13-6 [hereinafter] shall also require a sign permit. The procedure to use to apply for a sign permit is found in section 7-5-16 of this chapter. Failure to secure a permit shall constitute a violation of this article."

f. Sec. 7-13-4(b)(2)j. is revised to read:

"j. If menu board: One external menu boards with one face is allowed per drive lane with a maximum of two per restaurant (in additional to its allowed signage as previously described). The total sign area for a menu board shall not exceed 32 square feet. These signs shall not be located so that the copy is designed to be visible to vehicular traffic from the roadway. The minimum setback shall be ten feet."

i. Sec. 7-13-5(c) is revised to read:

"(c) Second tier development signage. Properties located one lot back from a thoroughfare with no direct frontage and having shared access with adjacent or adjoining parcels may share space on an adjacent property's freestanding sign in lieu of the second tier property's freestanding sign allowance, or may erect a sign on that property (meeting second tier sign standards) with the permission of the property owner if no other sign is used on that property. This option limits allowances to those normally provided for under the applicable zoning district in which the sign is located and does not increase square footage allowances or render a single tenant property multi-tenant."

j. Sec. 7-13-8(b)(4) is revised to read:

"(4) All on-premises signs (and their sign structures) which are made nonconforming by a subsequent amendment to this article, or by amendment to the official zoning maps or by extension of the city's territorial jurisdiction (annexation), and which do not conform with the requirements of the sign regulations adopted in Article 9 of Appendix – A Zoning Code of the Code of Ordinances of the City of Asheville on October 21, 1977, shall be made conforming or removed according to the following schedule:

- Signs (and sign structures) erected within three years before the annexation, shall be made conforming or removed within ten (10) years after the effective date of the annexation.

- All other signs (and sign structures) shall be made conformed or removed within seven (7) years after the effective date of the annexation."

Section 2. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. This ordinance is effective upon adoption.

Read, approved, and adopted this 25th day of June, 2013.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

ORDINANCE NO. 4209

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE CONCERNING CLARIFICATIONS TO AND MODIFICATIONS OF REGULATORY STANDARDS FOR INDUSTRIAL USES

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Unified Development Ordinance of the City of Asheville currently provides standards for various industrial uses; and

WHEREAS, it has been determined that there may be existing standards that require clarification and other standards that warrant reconsideration; and

WHEREAS, providing greater clarity and flexibility for industrial uses is beneficial for economic health of the City of Asheville; and

WHEREAS, this proposed change to the ordinance is determined to be reasonable and in the public interest as follows:

a. It will provide greater clarity to some standards and reduce unnecessarily restrictive standards.
b. It will update current standards to better match existing needs and practices.
c. It will provide more flexibility for potential industrial uses.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Sec. 7-5-9 of the Asheville Code of Ordinances be amended as follows:

a. By revising Sec. 7-5-9(a)(1) to read:

> *"(1) Purpose and application*: The Level III site plan review process is required for redevelopment projects located within the planning and regulation jurisdiction of the City of Asheville which, due to their size, could be expected to have a significant impact upon public services and facilities. This review process is established to assure that adequate services and facilities can be provided for these developments and to assure that they do not negatively impact the area in which they are proposed to be located or the city as a whole. Proposed development involving new construction, additions, renovations, and changes of use which fall into one or more of the following categories are subject to the Level III site plan review process:

b. By inserting the following as subsection 2. and renumbering the remainder in order:

> "2. Industrial uses (as defined in Sec. 7-2-5 of this chapter) in the Commercial Industrial or River zoning districts with a gross floor area of more than 100,000 square feet;"

c. By revising Sec. 7-5-9(b)(1)a.1. to read:

"1. Industrial buildings(s), structure(s), or developments in the Industrial district with a gross floor area of 100,000 square feet or more ,and Industrial building(s), structure(s), or developments in the Commercial Industrial or River districts with a gross floor area of 50,000 to 100,000 square feet."

Section 2. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shal not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. This ordinance is effective upon adoption.

Read, approved, and adopted this 25th day of June, 2013.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

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Plan B: 3 cents for CIP

ORDINANCE NO. 4210

AN ORDINANCE ADOPTING THE ANNUAL BUDGET AND FIXING THE TAX RATE FOR THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 2013-14

WHEREAS, Article 3 of Chapter 159 of the N. C. General Statutes requires local governments in North Carolina to adopt ordinances establishing an annual budget, in accordance with procedures specified in said Article 3; and

WHEREAS, the Asheville City Council, following a public hearing as required by law has considered the proposed annual budget for the City of Asheville for the 2013-14 fiscal year;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The following anticipated revenues and authorized expenditures by fund, together with a financial plan for internal service funds, are hereby appropriated for operating City government for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

GENERAL FUND

Revenues:		
Taxes-Ad Valorem	$51,867,389	
Other Taxes	18,084,277	
Intergov Revenue	11,250,660	
Licenses and Permits	4,706,690	
Sales and Services	5,387,387	
Investment Earnings	150,000	
Miscell Revenue	1,180,063	
Oth Financing Source	3,235,298	
Total Revenues		$95,861,764
Appropriations:		
Departmental Operations		$95,861,764

WATER RESOURCES FUND

Revenues:		
Sales and Services	$33,719,987	
Investment Earnings	150,677	
Miscell Revenue	46,295	
Oth Financing Source	8,387,387	
Total Revenues		$42,304,346
Appropriations:		
Water Resources Operations		$42,304,346

Plan B: 3 cents for CIP

PARKING SERVICES FUND

Revenues:		
Sales and Services	$500	
Investment Earnings	16,000	
Miscell Revenue	3,840,200	
Total Revenues		$3,856,700
Appropriations:		
Parking Services Operations		$3,856,700

STORMWATER FUND

Revenues:		
Licenses and Permits	$187,000	
Sales and Services	2,789,723	
Investment Earnings	11,000	
Miscell Revenue	25,000	
Oth Financing Source	636,000	
Total Revenues		$3,648,723
Appropriations:		
Stormwater Operations		$3,648,723

TRANSIT SERVICES FUND

Revenues:		
Intergov Revenue	$2,844,911	
Licenses and Permits	320,000	
Sales and Services	830,000	
Oth Financing Source	1,774,377	
Total Revenues		$5,769,288
Appropriations:		
Transit Services Operations		$5,769,288

CIVIC CENTER FUND

Revenues:		
Sales and Services	$1,889,506	
Investment Earnings	5,000	
Miscell Revenue	98,000	
Oth Financing Source	885,927	
Total Revenues		$2,878,433
Appropriations:		
Civic Center Operations		$2,878,433

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Plan B: 3 cents for CIP

STREET CUT UTILITY FUND

Revenues:		
Sales and Services	$1,493,808	
Total Revenues		$1,493,808
Appropriations:		
Street Cut Operations		$1,493,808

HOUSING PARTNERSHIP FUND (GENERAL FUND)

Revenues:		
Miscell Revenue	$150,000	
Oth Financing Source	500,000	
Total Revenues		$650,000
Appropriations:		
Housing Partnership Fund Ops.		$650,000

INTERNAL SERVICE FUNDS

Revenues:		
Sales and Services	$15,990,713	
Investment Earnings	10,000	
Miscell Revenue	400	
Oth Financing Source	1,360,590	
Total Revenues		$17,361,703
Appropriations:		
Health Insurance	$13,919,928	
Property & Liability	2,351,475	
Workers Compensation	1,090,300	
Total Expenditures		$17,361,703

Section 2. All appropriations included in the following Capital Project and other multi-year project funds are approved for the financing life of each project, which may extend beyond one fiscal year.

GENERAL CAPITAL PROJECTS FUND (REGULAR CIP)

Revenues:		
Transfer from General Fund	$307,807	
Debt Proceeds	11,200,000	
Intergovernmental	3,300,000	
Capital Reserves	75,000	
Total Revenues		$14,882,807
Appropriations:		
General Capital Fund Expenditures		$14,882,807

GENERAL CAPITAL PROJECTS FUND (ED CIP)

Revenues:		
Debt Proceeds	$5,250,000	
Transfer from General Fund	2,200,000	
Land Sale Proceeds	150,000	
Total Revenues		$7,600,000
Appropriations:		
General Capital Fund Expenditures		$7,600,000

WATER CAPITAL PROJECTS FUND

Revenues:		
Transfer from Water Resources Fund		$18,287,262
Appropriations:		
Water Capital Fund Expenditures		$18,287,262

TRANSIT CAPITAL PROJECTS FUND

Revenues:		
Transfer from General Fund	$80,000	
Intergovernmental	320,000	
Total Revenues		$400,000
Appropriations:		
Transit Capital Fund Expenditures		$400,000

Plan B: 3 cents for CIP

STORMWATER CAPITAL PROJECTS FUND

Revenues:		
Transfer from Stormwater Fund		$570,000
Appropriations:		
Stormwater Capital Fund Expenditures		$570,000

CIVIC CENTER CAPITAL PROJECTS FUND

Revenues:		
Transfer from General Fund	$100,000	
Intergovernmental	523,584	
Miscellaneous	147,000	
Total Revenues		$770,584
Appropriations:		
Civic Center Capital Fund Expenditures		$770,584

COMMUNITY DEVELOPMENT BLOCK GRANT FUND

Revenues:		
Federal Grant	$993,543	
Program Income	83,500	
Total Revenues		$1,077,043
Appropriations:		
Fiscal 2013-14 CDBG Program		$1,077,043

HOME OWNERSHIP GRANT FUND

Revenues:		
Federal Grant	$938,844	
Program Income	24,284	
Total Revenues		$963,128
Appropriations:		
Fiscal 2013-14 HOME Program		$963,128

Plan B: 3 cents for CIP

SECTION 108 REHAB GRANT FUND

Revenues:	
Program Income	$71,181
Appropriations:	
Section 108 Expenditures	$71,181

Section 3. It is estimated that revenues in the amounts indicated in the foregoing schedule will be available to support the foregoing appropriations. The fees & charges, as readopted and changed on March 26,2013 in ordinance number 4174 and amended by City Council thereafter, shall be set forth in a Fees and Charges Manual to be kept on file in the Office of the City Clerk.

Section 4. There is hereby levied for the fiscal year ending June 30, 2014, the following tax on each $100 assessed valuation of taxable property as listed on January 1, 2013 for purposes of raising the revenues from current year's property tax as set forth in the foregoing estimates of revenues and in order to finance the foregoing appropriations:

Tax Rate per $100 Assessed Valuation $0.4600

Such rate of tax is based on an estimated total assessed value of property for the purposes of taxation of $10,591,579,879 assuming 99.00% collection of the levy. In addition, Ad Valorem Tax revenue from taxes levied on motor vehicles at the same tax rate is estimated at $2,639,128.

Section 5. The City Manager is authorized to amend the budget by transfer of appropriations within each fund. All amendments affecting revenues or total fund appropriations shall be approved by ordinance by the City Council, to be acted on at any regular or special meeting and approved by a simple majority of those present and voting, a quorum being present. Only one reading will be required and a public hearing or publication of notice is not necessary unless requested by Council.

Section 6. The City Manager is authorized to expend up to $20,000 in general contingency funds in the event of any need he deems an emergency. Said action shall be reported to the City Council at the next regularly scheduled Council meeting and the budget ordinance amended accordingly.

Section 7. The reserve for encumbrances at June 30, 2013 and carry-over appropriations, representing prior commitments as of that date shall be reappropriated pursuant to North Carolina General Statute 159-13, to the departments within various funds, under which expenditures may be made during fiscal year 2013-14 as the previous commitments are satisfied.

Section 8. Copies of this ordinance shall be furnished to the City Manager and Director of Finance, to be kept on file by them for their direction in the collection of revenues and expenditures of amounts appropriated.

Section 9. Effective July 1, 2013, the Pay & Classification Plan is amended to incorporate all personnel actions such as reclassifications and pay modifications recommended by the Human Resources department and approved by the City Manager. Funding for the Plan and compensation items is included in the various departments.

Plan B: 3 cents for CIP

Section 10. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

Section 11. That this ordinance shall be in full force and effect upon date of final passage.

Read, approved and adopted this 25th day of June, 2013.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

ORDINANCE NO. 4211

ORDINANCE AMENDING THE CITY OF ASHEVILLE FEES AND CHARGES MANUAL TO REDUCE THE FEES FOR THE SUMMER PROGRAM

WHEREAS, the City of Asheville has the authority pursuant to NCGS Sec. 160A-4.1 to charge fees; and

WHEREAS, the City Council of the City of Asheville adopted a revised Fees and Charges Manual on February 14, 2012 for fiscal year 2012-13; and

WHEREAS, the Fees and Charges Manual includes various fees and charges for all of the Departments and is updated annually as a part of the City's budget; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville Fees and Charges Manual be amended as set forth on attached Exhibit "A" effective June 26, 2013.

Read, approved, and adopted this 25th day of June, 2013.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

Exhibit A

CITY OF ASHEVILLE
FEES & CHARGES MANUAL

DEPARTMENT Parks & Recreation **DIVISION** Recreation

Revenue Name Summer Program Fee

Fee Schedule

For the parents with kids who get free school lunches the fees will be $10 registration and waive other fees.

For the parents with kids who get reduced school lunches, the fees will be $10 registration and $20/week

ORDINANCE NO. 4212

AN ORDINANCE AMENDING ARTICLE I, SECTION 1 OF APPENDIX "C" OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

Section 1: That Article I, Section 1 of Appendix C of the Code of Ordinances of the City of Asheville (Truck Traffic Prohibited On Residential Streets) be amended to include the following streets:

East Chestnut Street, from SR 1781 (Broadway) to a point 325 feet west of US 25 (Merrimon Avenue)
Chatham Road, from Edgewood Road to US 25 (Merrimon Avenue)
Rumbough Place, from US 19-23 (Patton Avenue) to Salola Street
Salola Street, from Rumbough Place to SR 3412 (Sand Hill Road)
Mount Clare Avenue, from SR 1781 (Broadway) to Coleman Avenue
Coleman Avenue, from Mount Clare Avenue to a point 200 feet west of US 25 (Merrimon Avenue)

Section 2: That all Ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed.

Section 3: That this Ordinance shall be in full force and effect upon adoption by the City Council of the City of Asheville and the erection of signs giving notice of the truck prohibition.

Read, approved and adopted this 23rd day of July, 2013.

Magdalen Bowleson
CITY CLERK

MAYOR

Approved as to form:
Martha McMahon
CITY ATTORNEY

Magdalen Bowleson
City Clerk

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ORDINANCE NO. 4213

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 23rd day of July, 2013.

Magdalen Bullerson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

PURPOSE: This Budget Amendment increases the Haw Creek Area and Riddle Road Waterline Replacement Capital Project Budget to $1,101,738.00.

Magdalen Bullerson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date: 7/23/2013
2. Fiscal Year: 2013-14

3. Amendment to Operating __ and/or Capital Project _X_ appropriation.

4. Requesting Department	5. Today's Date	6. Department Head Signature
Water Resources	7/23/2013	

7. Comments/Purpose: Increase budget for the Haw Creek / Riddle Road Waterline Replacement Project for Change Order # 1 as approved by City Council on July 23, 2013.

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Old Haw Creek WL Replace				
Tr Wtr Op 03/04				
61100911 - 498608 - W1213	$0.00	$0.00	$95,469.00	$95,469
Construction				
61100911 - 616102 - W1213	$1,006,269.00	$18,261.42	$1,101,738.00	$95,469
Revenue will be transferred from				
General Projects; W0001.				
			13. Balance of Transaction:	$190,938.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

287

ORDINANCE NO. 4214

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment forms attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 23rd day of July 2013.

Magdalen Bowlesson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: To increase the project budget for the Pedestrian Improvements in US 64; to purchase and rehab a van; and the City of Asheville's administrative cost.

Magdalen Bowlesson
City Clerk

City of Asheville

Budget Amendment Details

1. Effective Date: 7/23/2013

2. Fiscal Year: 2013-14

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

Transpotation- Transit Division | 7/15/2013 | 4. Requesting Department | 5. Today's Date | 6. Preparer's Name

7. Comments/Purpose: Budget amendment to increase the project budgets for the New Freedom Federal grant

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Restricted Intergov Fed Grants			$0	
65100950:435000:T1304	$242,017		$291,485	$49,468
In-Kind External Participation			$0	
65100950:483000:T1304	$41,300		$67,230	$25,930
			$0	
Expenditures:			$0	
Transit Pass Through Grant			$0	
65109500:527102:T1304	$197,116		$239,918	$42,802
Transit Pass Through Grant			$0	
65109501:527102:T1304	$20,700		$23,000	$2,300
Transfer to Transit Fund			$0	
65100950:800650:T1304	$24,201		$28,567	$4,366
In-Kind Services - External			$0	
65109501:521000:T1304	$4,300		$7,250	$2,950
In-Kind Services - External			$0	
65109500:521000:T1304	$37,000		$59,980	$22,980
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	

13. Balance of Transaction: ($25,930.00)

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

289

ORDINANCE NO. 4215

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 23rd day of July, 2013.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Overlook Road Sidewalks

Magdalen Bowleson
City Clerk

City of Asheville

Budget Amendment Details

1. Effective Date: 6/11/2013

2. Fiscal Year: 2012-13

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

Public Works	6/4/2013	
4. Requesting Department	5. Today's Date	6. Preparer's Name

7. Comments/Purpose: Contract for the Overlook Road Sidewalk Construction Project

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Other Misc In Lieu of Sidewalk			$0	
41003301:489002:K1207	$0	$0	$295,000	$295,000
Oper Transfers from General Fd			$0	
41003301:498100:K1207	$0	$0	$85,000	$85,000
Expenditures:			$0	
Contracted Services			$0	
41003301:521001:K1207	$51,250	$0	$431,250	$380,000
			$0	
			$0	
Revenue:			$0	
Other Misc In Lieu of Sidewalk			$0	
41000213:489002:K0001	$252,000	$0	$195,201	($56,798.57)
Expenditures:			$0	
Construction			$0	
41000213:616102:K0001	$109,824	$0	$53,025	($56,798.57)
Revenue:			$0	
Other Misc In Lieu of Sidewalk			$0	
41000213:489001:K0002	$211,000	$0	$173,220	($37,779.57)
Expenditures:			$0	
Construction			$0	
41000213:616102:K0002	$65,113	$0	$27,333	($37,779.57)
Revenue:			$0	
Other Misc In Lieu of Sidewalk			$0	
41003301:489002:K1201	$150,000	$0	$50,000	($100,000)
Oper Transfers from General Fd			$0	
41093301:498100:K1201	$957,450	$0	$872,450	($85,000)
Expenditures:			$0	
Contracted Services			$0	
41003301:521001:K1201	$336,103	$0	$151,103	($185,000)
			$0	
			$0	
			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

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ORDINANCE NO. 4216

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 23rd day of July, 2013.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Changing Together

Magdalen Bourleson
City Clerk

City of Asheville
Budget Amendment Details

1. Effective Date: 7/23/2013
2. Fiscal Year: 2013-14

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

Administrative Services- Comm Relations (4. Requesting Department) | 7/15/2013 (5. Today's Date) | (6. Preparer's Name)

7. Comments/Purpose: Changing Together coordinating agency agreement renewal with Buncombe County

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Restrictd Intergv County Parti			$0	
11001015:437000	$79,060	$0	$0	($79,060)
			$0	
Expenditures:			$0	
Contracted Services			$0	
11001015:521001	$79,060	$0	$0	($79,060)
			$0	
			$0	
Revenue:			$0	
Restrictd State Grant			$0	
22001015:436000:G1402	$0	$0	$79,060	$79,060
			$0	
Expenditures:			$0	
Contracted Services			$0	
22001015:521001:G1402	$0	$0	$79,060	$79,060
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
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			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:
By:
Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

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ORDINANCE NO. 4217

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be Amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 23th day of July, 2013.

Magdalen Bowlerson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Receive a federal pass though grant from the Historic Preservation Fund for the preparation of Asheville Buncombe Preservation Plan.

Magdalen Bowlerson
City Clerk

City of Asheville

Budget Amendment Details

1. Effective Date: 7/23/2013

2. Fiscal Year: **2013-14**

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

4. Requesting Department	5. Today's Date	6. Preparer's Name
Planning Dev- HRC Div	7/15/2013	

7. Comments/Purpose:	Budget Amendment in the amount of $28,000 from a $15,000 Historic Preservation Fund Grant and $13,000 in Local Matching Funds for the Development of the Asheville Buncombe Preservation Plan.

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Restricted Grant Revenue			$0	
22000412:XXXXXX:D1201	$0		$15,000	$15,000
Sale of Ordinance Books			$0	
22000412:450201:D1201	$0		$2,300	$2,300
Charges for Services			$0	
22000412:450010:D1201	$0		$1,000	$1,000
Private Donations			$0	
22000412:483300:D1201	$0		$9,700	$9,700
			$0	
			$0	
			$0	
			$0	
Expenditures:			$0	
Contract Services			$0	
22000412:521001:D1201	$0		$28,000	$28,000
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

ORDINANCE NO. 4218

ORDINANCE AMENDING ZONING FOR PROPERTY(S) LOCATED AT 86 ASHELAND AVENUE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. The proposed zoning amendment is suitable for the subject area and consistent with other adjacent and nearby land uses.
b. The proposed zoning amendment would support the work of the adopted Downtown Master Plan and the goals of the Strategic Operating Plan
c. The zoning amendment will support the redevelopment of the south area of downtown.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property(s) described in Exhibit A and identified on Buncombe County tax maps as PINs 9648-39-0833, 9648-38-0625, and 9648-38-0529 from RB (Regional Business) to CBD (Central Business District). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 6. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 23rd day of July, 2013.

Magdalen Burleson
City Clerk

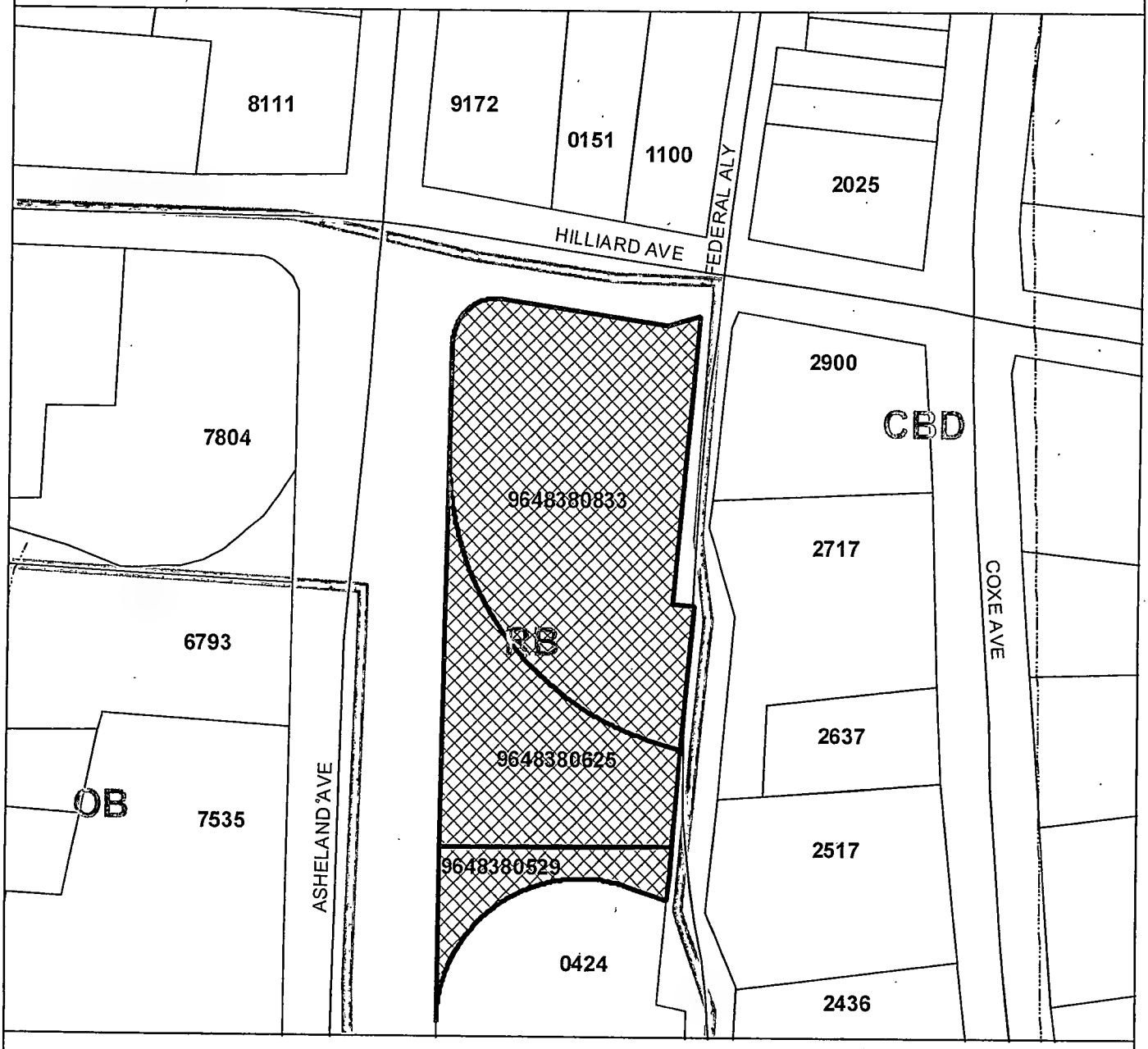
Mayor

Approved as to form:

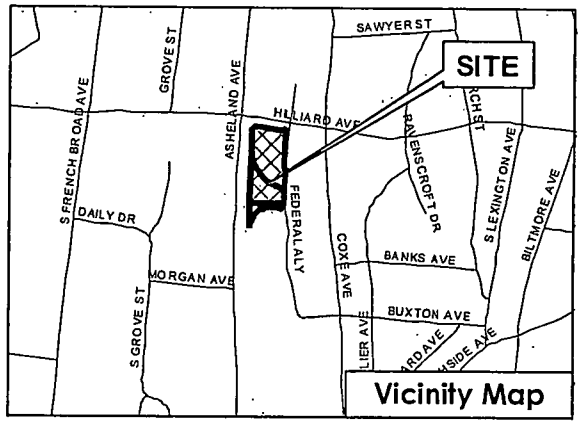
City Attorney

Magdalen Burleson
City Clerk

City of Asheville - Exhibit A Map
Rezoning Request



Project Name:	Rezoning Request
Project Number:	13-50-004
Project Description:	Rezone from RB to CBD
Petitioner(s):	86 Asheland, LLC
Parcel ID Number(s):	9648-38-0833, -0625, -0529
Location/Address:	86 Asheland Avenue



Project Site | Parcels | Zoning Districts | Asheville City Limits | Streets | Streams

City of Asheville Planning and Development Department - May 2013

ORDINANCE NO. 4219

ORDINANCE AMENDING OFFICIALLY ADOPTED MAPS PERTAINING TO THE CENTRAL BUSINESS DISTRICT: HEIGHT ZONE MAP AND KEY PEDESTRIAN STREETS MAP

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, these maps appear in the development standards section for the Central Business District and pertain to height allowances and other development standards; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. The proposed map amendments are in accordance with adopted land use changes.
b. The proposed map amendments implement portions of the Council adopted Downtown Master Plan and supports the Goals and Vision Plan.
c. The map amendment will support the redevelopment of the south area of downtown.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The maps entitled Height Zone Map and Key Pedestrian Streets Map be amended as proposed and attached hereto as Exhibit "A" and "B" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 6. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 23rd day of July, 2013.

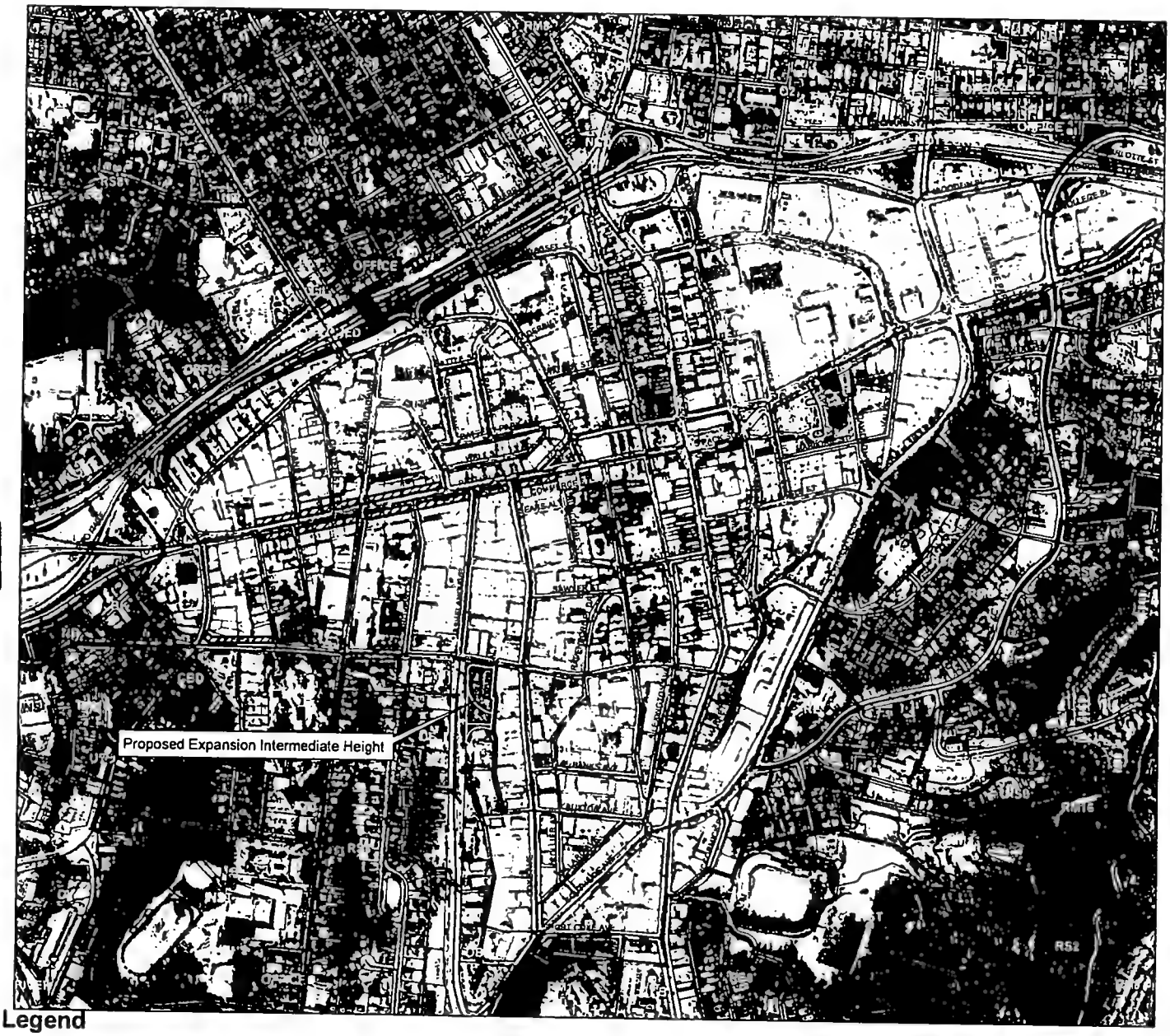
Magdalen Bourleson
City Clerk

Mayor

Approved as to form:
Martha McMahon
City Attorney

Magdalen Bourleson
City Clerk

City of Asheville
Central Business District
Height Zone Map



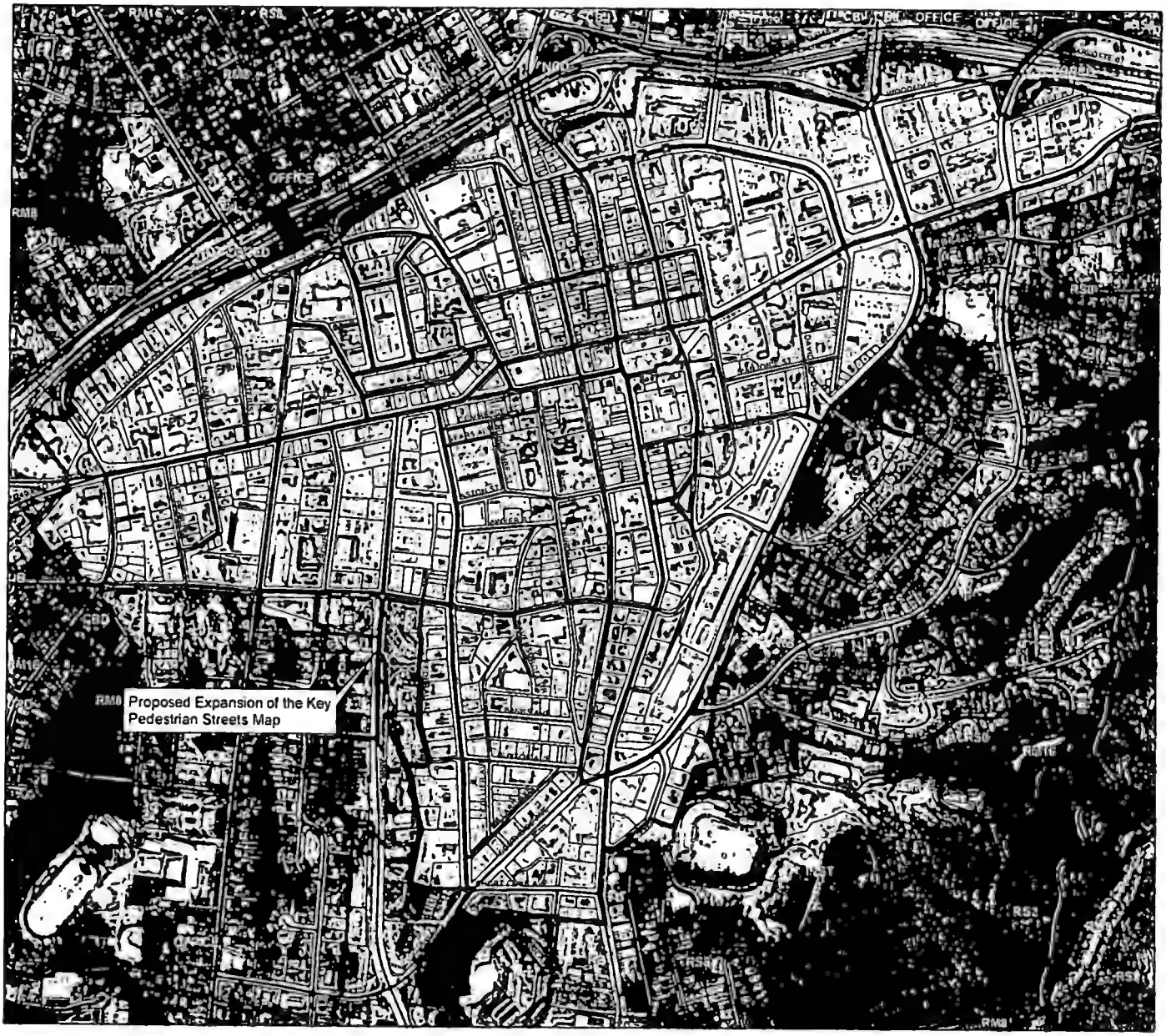
Legend

- Building Height Buffer Zone
- Tallest_Height_Zone
- Intermediate_Height_Zone
- Streets
- Parcels
- Zoning Districts
- Proposed Intermediate Height Expansion

Planning and Development Department amended July 2013

EXHIBIT "B"

City of Asheville
Central Business District
Key Pedestrian Streets Map



Legend

- Streets
- Parcels
- Central Business District Area
- Zoning Districts
- Proposed CBD Parcel Rezoning
- Key Pedestrian Streets

Planning and Development Department amended July 2013

ORDINANCE NO. 4220

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 13th day of July, 2013.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

Martha McKlehan
City Attorney

PURPOSE: Computer Replacement Budget

Magdalen Burleson
City Clerk

303

City of Asheville

Budget Amendment Details

1. Effective Date: 8/13/2013

2. Fiscal Year: 2013-14

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

4. Requesting Department	5. Today's Date	6. Preparer's Name
Finance Dept\ IT Department	8/2/2013	

7. Comments/Purpose: Technical Budget Amendment / PC Replacement

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Installment Purch Proceed			$0	
11000052:492000	$350,000	$0	$0	($350,000)
			$0	
Expenditures:			$0	
Information Tech Purchases			$0	
11000052:524010	$350,000	$0	$0	($350,000)
			$0	
			$0	
Revenue:			$0	
Installment Purch Proceed			$0	
41000052:492000:G1402	$0	$0	$405,000	$405,000
			$0	
Expenditures:			$0	
Information Tech Purchases			$0	
41000052:524010:G1402	$0	$0	$405,000	$405,000
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
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			$0	
			$0	
			$0	
			$0	
			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

ORDINANCE NO. 4221

ORDINANCE AMENDING ZONING FOR PROPERTY(S) LOCATED AT OR NEAR FINALEE AVENUE (10.5 ACRES)

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. The proposed rezoning establishes zoning on the properties that is more reflective of and compatible with the surrounding single-family neighborhood, the steeply sloping site, and the limited access.
b. The proposed zoning district would support appropriate development and prevent incompatible development better than the existing zoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property(s) described in Exhibit A and identified on Buncombe County tax maps as PINs 9648-61-7372, -8327, -8461, -8495, -9520, -9563; 9648-71-0506, -0549, and -0683 from Institutional to RS-8 (Residential Single-Family High Density). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 13th day of August, 2013.

Magdalen Bouleson
City Clerk

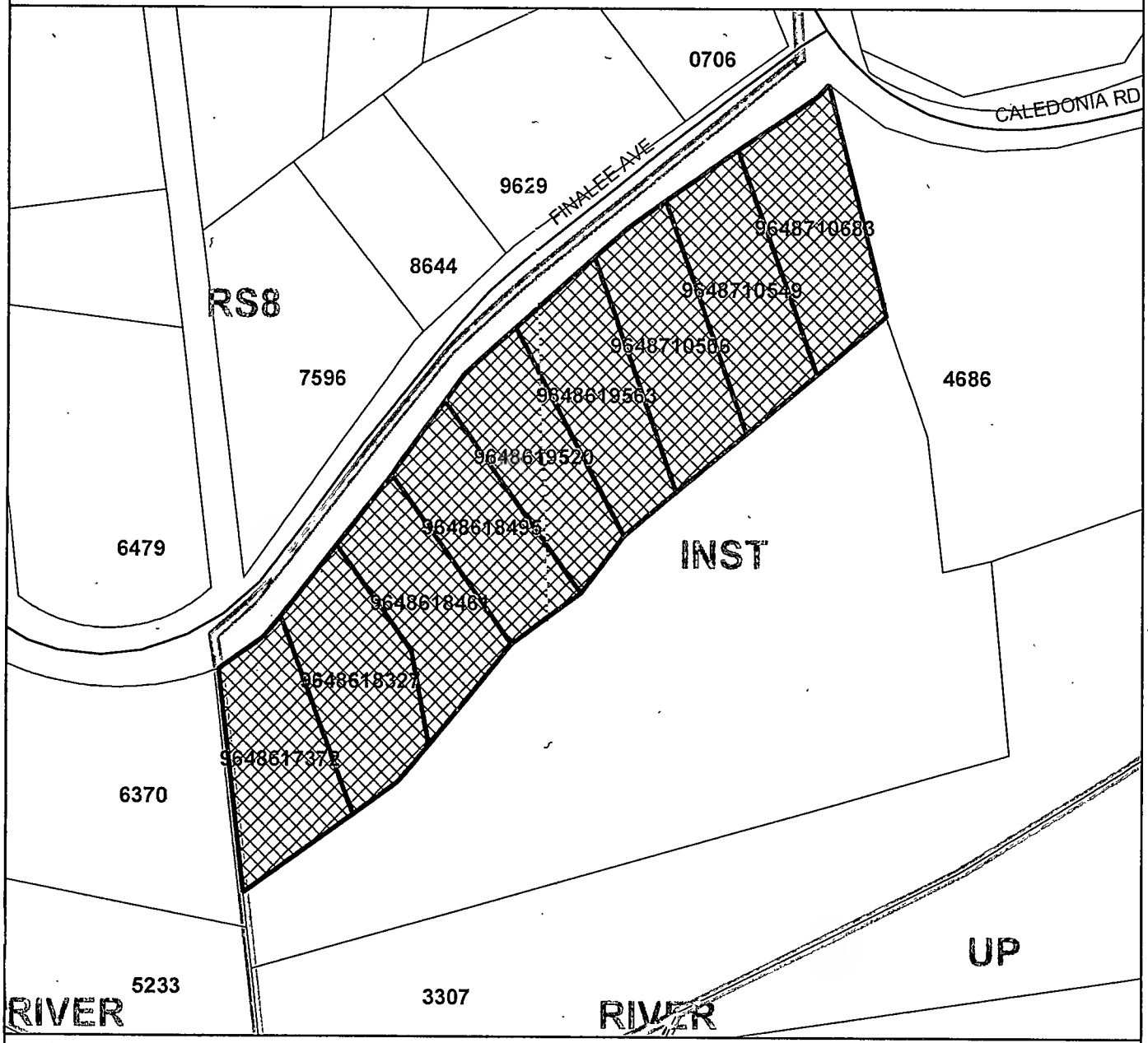
Mayor

Approved as to form:

Martha McGlohon
City Attorney

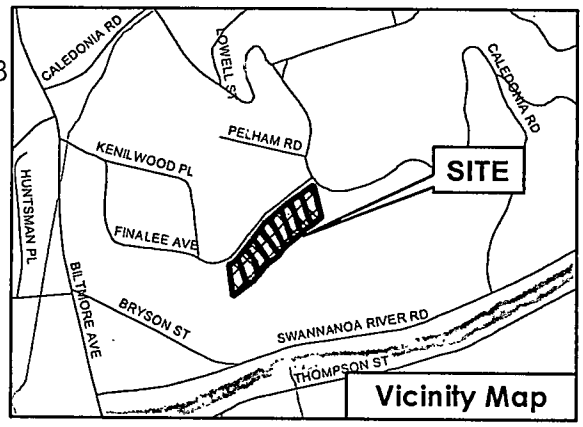
Magdalen Bouleson
City Clerk

City of Asheville - Exhibit A Map
Finalee Avenue Rezoning



Project Name: Finalee Avenue Rezoning
Project Number: 13-50-006
Project Description: Request to rezone from INST to RS-8
Petitioner(s): Caledonia Development, LLC and Isaac Grossman
Parcel ID Number(s): 9648-61-7372, -8327, -8461, -8495, 9520, -9563; 9648-71-0317, -0506, -0549, and -0683
Location/Address: Finalee Avenue

Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams



City of Asheville Planning and Development Department - July 2013

307

ORDINANCE NO. 4222

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 27th day of August, 2013.

Magdalen Bulleson
CITY CLERK

MAYOR

Approved as to form:

Martha W. McMahan
CITY ATTORNEY

PURPOSE: This Budget Amendment increases the Professional Services budget for the Innsbrook / Maplewood Road Water Line Replacement Project to $180,000.00.

Magdalen Bulleson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date: 8/27/2013
2. Fiscal Year: 2013-14

3. Amendment to Operating __ and/or Capital Project _X_ appropriation.

Water Resources | 8/27/2013
4. Requesting Department | 5. Today's Date | 6. Department Head Signature

7. Comments/Purpose: Combine Professional Services budgets for the Innsbrook, Maplewood, Mountain Crest, & Patton Cemetery WL Engineering Contract with Michael Baker Engineering as approved by CC on August 27, 2013.

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Innsbrook & Maplewood Roads WL				
Tr Wtr Op 12/13				
61190911 - 498617 - W1307	$100,000.00	$100,000.00	$195,250.00	$95,250
Professional Services				
61100911 - 521002 - W1307	$84,750.00	$84,750.00	$180,000.00	$95,250
Mountain Crest / Patton Cemetery WL				
Tr Wtr Op 12/13				
61190911 - 498617 - W1309	$325,000.00	$325,000.00	$229,750.00	($95,250)
Professional Services				
61100911 - 521002 - W1309	$95,250.00	$95,250.00	$0.00	($95,250)

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:
16. Ordinance Number:
17. Date Received in Budget & Research:
18. Date Sent to City Clerk:

19. Date Posted:
By:
Sheet #:

Must be received by Budget & Research 14 days prior to the City Council Meeting.

309

ORDINANCE NO. 4223

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 27th day of August, 2013.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

Martha W. McGlohon
City Attorney

PURPOSE: Craven St Improvement Proj
Change Order

Magdalen Burleson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2013-14

3. Amendment to Operating ____ and/or Capital Project _x___ appropriation.

Public Works — 4. Requesting Department
8/27/2013 — 5. Today's Date
6. Department Head Signature

7. Comments/Purpose: to budget additional funding for Craven St design work

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Craven Project				
Revenue:				
Debt Proceeds				
41000231 492000 E1202	$0.00		$177,418.00	$177,418.00
Oper Transfers Parking Service				
62190220 498633 E1202	$39,630 00		$97,362.00	$57,732.00
Oper Transfers from Strm Wtr				
62590320 498639 E1202	$155,000.00		$206,811.00	$51,811.00
Expenditures:				
Professional Srv				
62500320 521002 E1202	$155,000.00		$206,811.00	$51,811.00
Professional Srv				
62100220 521002 E1202	$39,630.00		$97,362.00	$57,732.00
Professional Srv				
41000231 521002 E1202	$310,513.00		$282,735.00	($27,778.00)
Professional Srv				
41000803 521002 E1202	$50,000.00		$255,196.00	$205,196.00
Stormwater Fund:				
App Fund Balance				
62400320 499100	$430,000.00		$481,811.00	$51,811.00
Transfer to Capital				
62490320 800625	$430,000.00		$481,811.00	$51,811.00
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

311

ORDINANCE NO. 4224

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 27th day of August, 2013.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Consolidated Action Plan

Magdalen Bowlson
City Clerk

City of Asheville
Budget Amendment
Details

1. Effective Date: 8/27/2013

2. Fiscal Year: **2013-14**

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

4. Requesting Department	**5. Today's Date**	**6. Preparer's Name**
Planning Dept/ Comm Dev Div	8/6/2013	

7. Comments/Purpose:	Final Revised Allocation: 2013-2014 Consolidated Action Plan for CDBG & HOME Programs.

8. Account Number	**9. Beginning Budget**	**10. Unencumbered Balance**	**11. New Budget**	**12. Increase or Decrease By**
			$0	
Revenue:			$0	
Restricted Fed Grants			$0	
D3004207:435000:D0981	$938,844	$0	$938,716	($128)
			$0	
Expenditures:			$0	
Contingengies			$0	
D3004207:528013:D0988	$83,812	$0	$83,684	($128)

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

BUDREVIS.XLS

313

ORDINANCE NO. 4225

ORDINANCE AMENDING ZONING FOR PROPERTY(S) LOCATED AT OR NEAR CALEDONIA ROAD (0.6 ACRES)

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. The proposed rezoning establishes zoning on the properties that is more reflective of and compatible with the surrounding single-family neighborhood and the steeply sloping terrain.
b. The proposed zoning district would support appropriate development and prevent incompatible development better than the existing zoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property(s) described in Exhibit A and identified on Buncombe County tax maps as PINs 9648-71-8763, -8788, -8894, and -9809 from Institutional to RS-8 (Residential Single-Family High Density). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 27th day of August, 2013.

Magdalen Bullerson
City Clerk

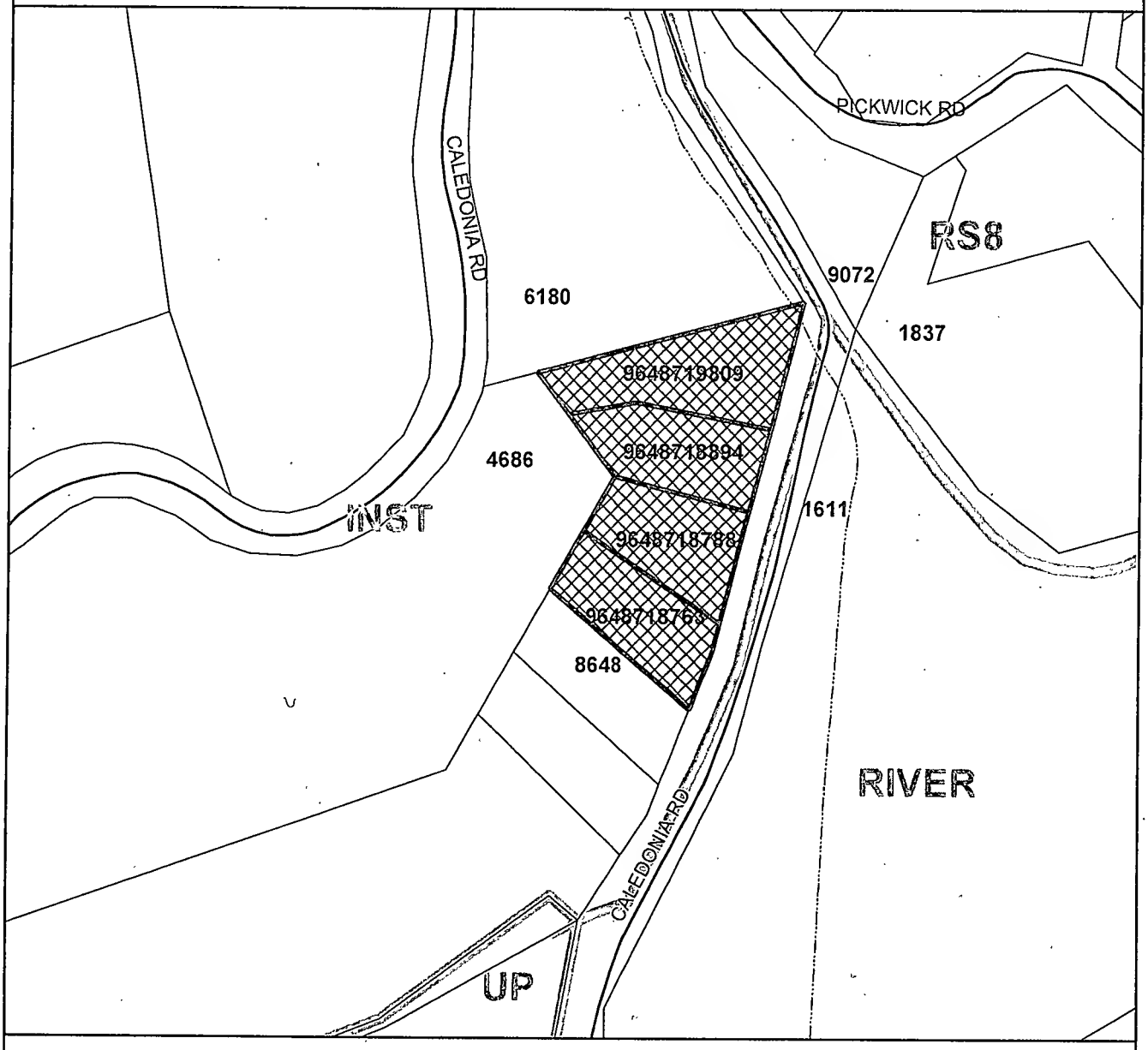
Mayor

Approved as to form:

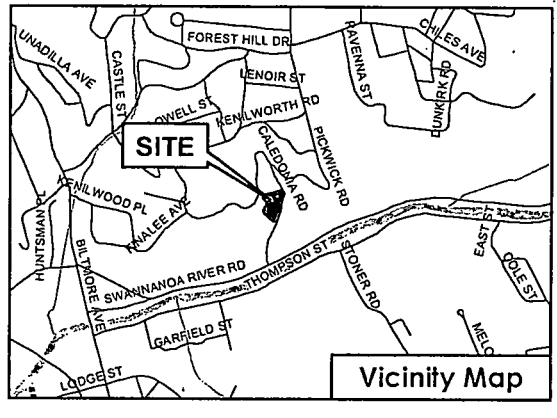
Martha W. McMahon
City Attorney

Magdalen Bullerson
City Clerk

City of Asheville - Exhibit A Map
Caledonia Road Rezoning



Project Name:	Caledonia Rd. Rezoning
Project Number:	13-50-007
Project Description:	Rezone from INST to RS-8
Petitioner(s):	Caledonia Development, LLC
Parcel ID Number(s):	9648-71-9809, -8894, -8878, -8763
Location/Address:	103 Caledonia Road



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Development Department - July 2013

ORDINANCE NO. 4226

ORDINANCE AMENDING ZONING FOR PROPERTY(S) LOCATED AT 172 ASHELAND AVENUE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. The proposed zoning amendment is suitable for the subject area and consistent with other adjacent and nearby land uses.
b. The proposed zoning amendment supports the work of the adopted Downtown Master Plan and the goals of the Strategic Operating Plan
c. The zoning amendment will support the redevelopment of the south area of downtown.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property(s) described in Exhibit A and identified on Buncombe County tax maps as PIN 9648-38-0052 from RB (Regional Business) to CBD (Central Business District). A copy of the official zoning map showing said lot is attached hereto as Exhibit "A" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 27th day of August, 2013.

Magdalen Bourleson
City Clerk

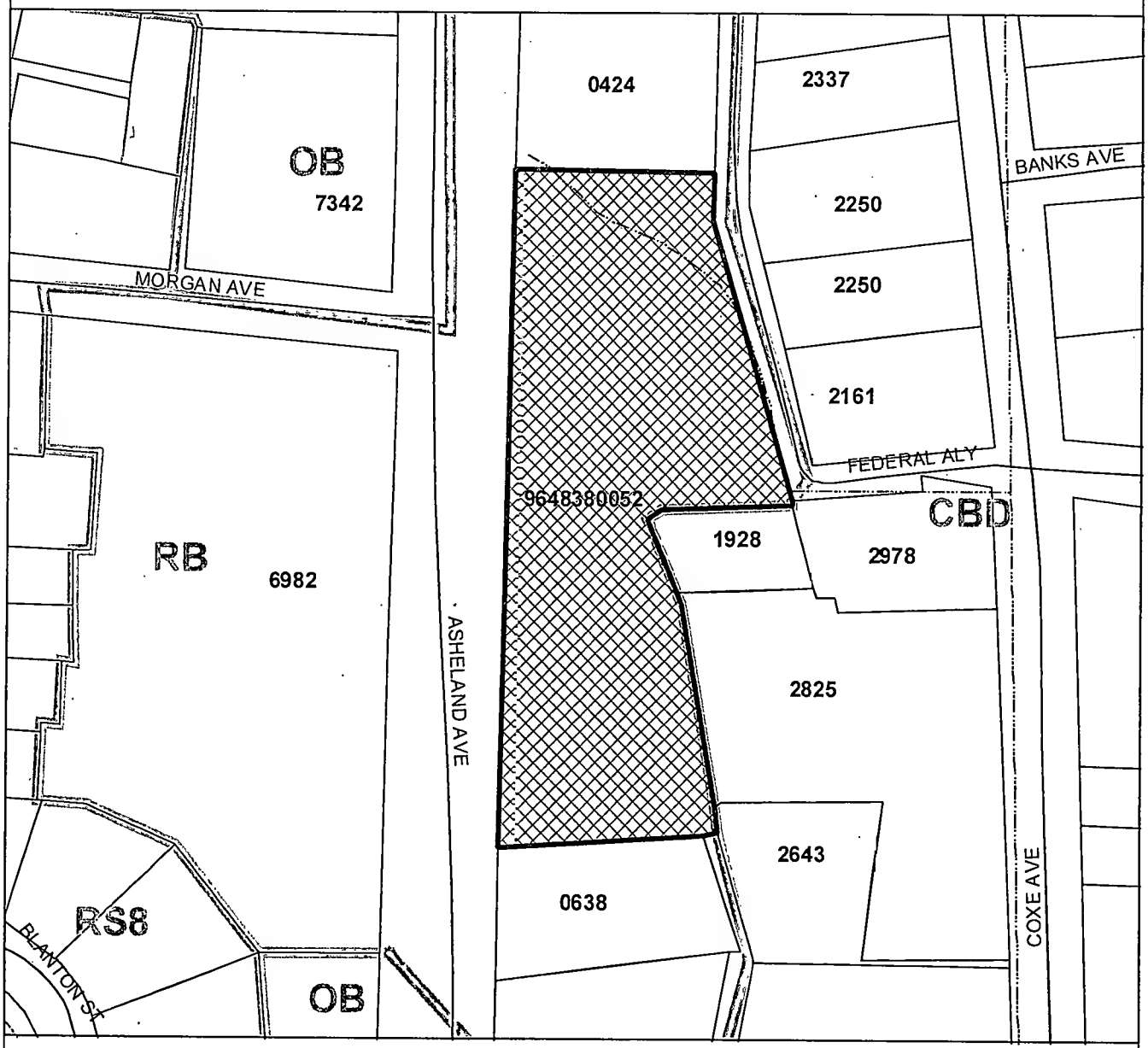
Mayor

Approved as to form:

Martha W. McKloskon
City Attorney

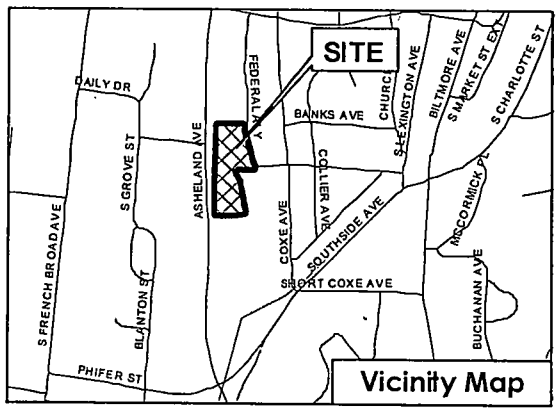
Magdalen Bourleson
City Clerk

City of Asheville - Exhibit A Map
172 Asheland Avenue Rezoning



Project Name: 172 Asheland Avenue Rezoning
Project Number: 13-50-008
Project Description: Rezone from RB to CBD
Petitioner(s): Douglas J. Fox, Kenneth G. Fox
Parcel ID Number(s): 9648-38-0052

Location/Address: 172 Asheland Avenue



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Development Department - July 2013

319

ORDINANCE NO. 4227

ORDINANCE AMENDING OFFICIALLY ADOPTED MAPS PERTAINING TO THE CENTRAL BUSINESS DISTRICT: HEIGHT ZONE MAP AND KEY PEDESTRIAN STREETS MAP PERTAINING TO THE REZONING OF 172 ASHELAND AVENUE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, these maps appear in the development standards section for the Central Business District and pertain to height allowances and other development standards; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. The proposed map amendments are in accordance with adopted land use changes.
b. The proposed map amendments implement portions of the Council adopted Downtown Master Plan and supports the Goals and Vision Plan.
c. The map amendment will support the redevelopment of the south area of downtown.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The maps entitled Height Zone Map and Key Pedestrian Streets Map be amended as proposed and attached hereto as Exhibit "A" and "B" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 27th day of August, 2013.

Magdalen Bouleson
City Clerk

Mayor

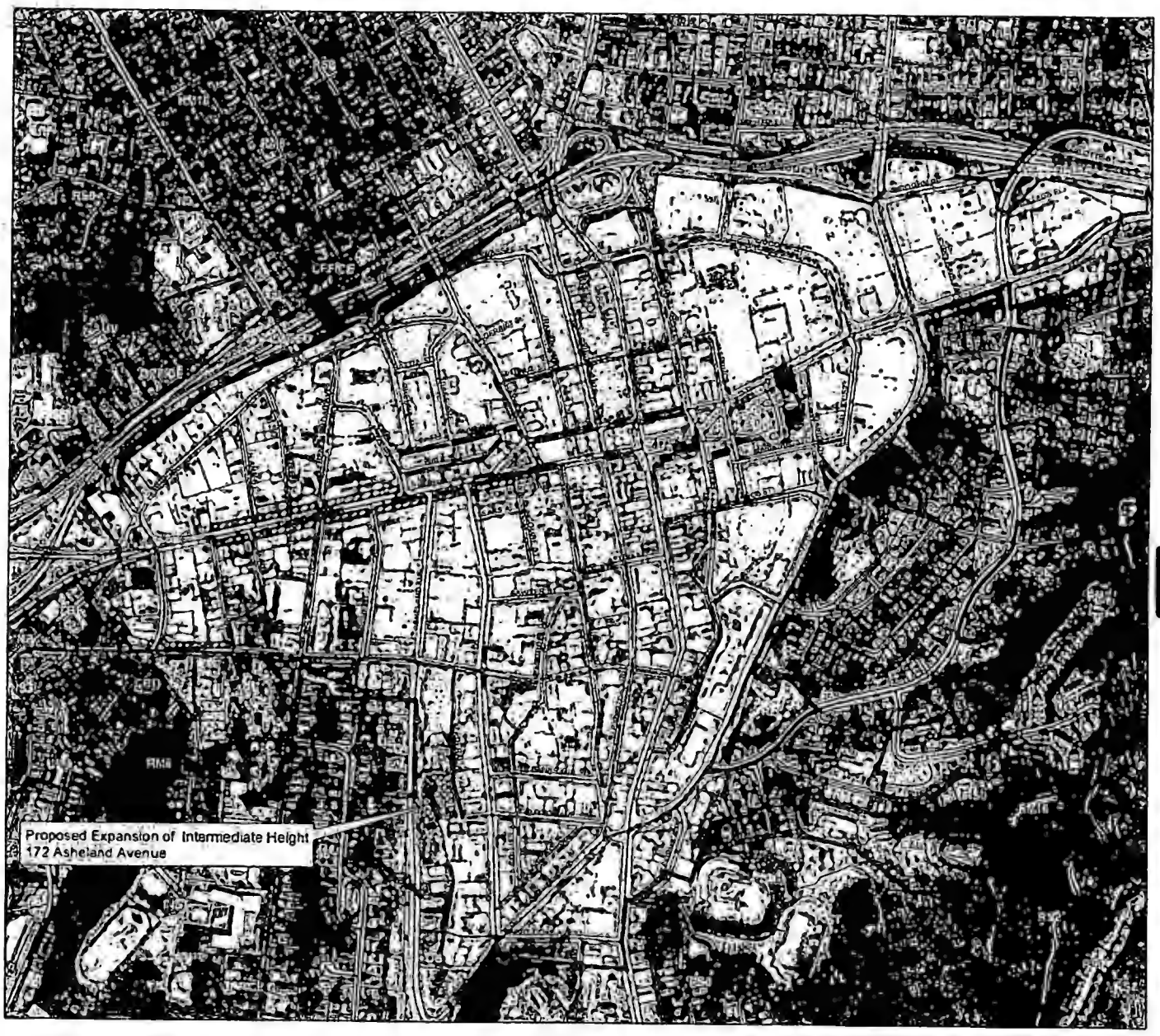
Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

Exhibit "A"

City of Asheville
Central Business District
Height Zone Map



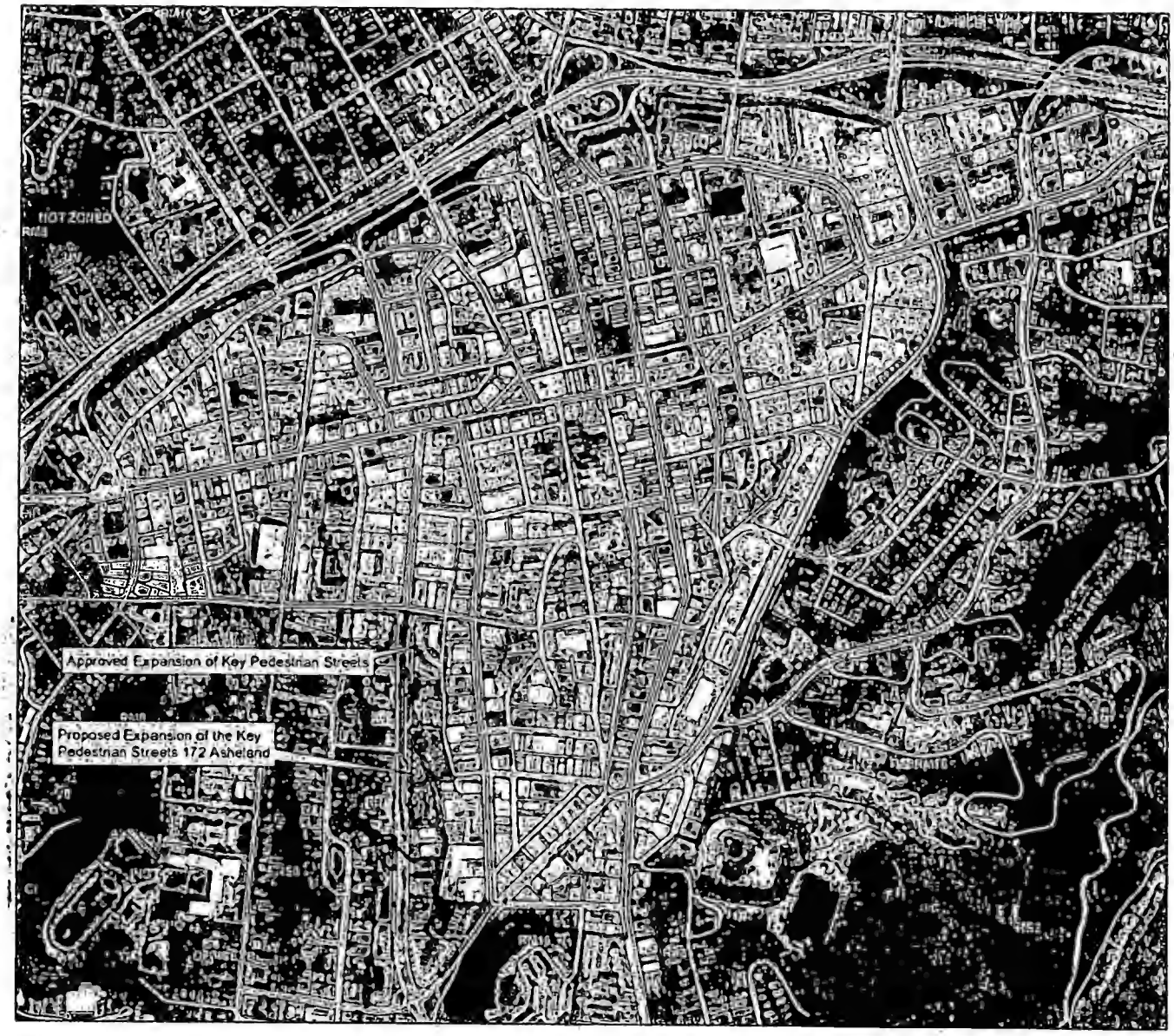
Legend

- Proposed CBD Expansion
- Building Height Buffer Zone
- Tallest_Height_Zone
- Intermediate_Height_Zone
- Streets
- Parcels
- Zoning Districts

Planning and Development Department amended August 2013

Exhibit "B"

City of Asheville
Central Business District
Key Pedestrian Streets Map



Legend

- Proposed CBD rezoning at 172 Asheland Ave.
- Key Pedestrian Streets
- Parcels
- Central Business District Area
- Zoning Districts

Planning and Development Department amended August 2013

ORDINANCE NO. 4228

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE CONCERNING CLARIFICATIONS TO AND MODIFICATIONS OF CURRENT SIGN CODE STANDARDS

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Unified Development Ordinance of the City of Asheville currently provides equitable standards for various commercial sign needs; and

WHEREAS, it has been determined that there may be existing standards that require clarification and other standards that warrant reconsideration; and

WHEREAS, providing greater clarity and flexibility for sign identification is beneficial for the City of Asheville; and

WHEREAS, this proposed change to the ordinance is determined to be reasonable and in the public interest as follows:

a. It will provide greater clarity to some standards and reduce disparate application and enforcement.
b. It will update current standards to better match existing needs and practices.
c. It will provide more flexibility for commercial sign identification needs.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Chapter 7 of the Asheville Code of Ordinances be amended by:

a. Amending Sec. 7-13-3 Off-premises signs to read:
Sec. 7-13-3. Signs prohibited or requiring additional standards in all zoning districts.

b. Amending Sec. 7-13-3 ( )(6) Off-premises signs to read:
(6). Off-premises signs – some districts. Off-premises signs in all single-family residential zoning districts and in the Office, *Office* Business, Community Business I, Neighborhood Business, and Central Business Districts.

c. Amending Sec. 7-13-4(c) On premise signs: Multiple tenant development to read:

Sec. 7-13-4(c): On-premises signs: multiple tenant development: The following sign regulations shall be applicable within the zoning districts indicated for multiple tenant development. Any sign not specifically allowed is prohibited.

(a) Multiple tenant development may erect either a development identification or joint identification sign. In addition, tenant identification sign for individual tenants within a development are allowed.

(b) For a multiple tenant development. the development itself is allowed one identification sign, either freestanding (maximum of two faces per sign), or attached for each property boundary with street frontage with a maximum of two identification signs allowed per development. All other permitted tenant identification signs as allowed in 7-13-4(c)(b)(2) must be attached to the building(s).

1. Development and joint identification signs.
   a. Where a development or joint identification sign is selected, such as sign may be of the following types.

      Freestanding: Pole (except in Urban Residential District), Ground, Changeable copy (except in Central Business District and Urban Residential District)
      Attached: Wall, Projecting, Window, Awning/canopy, Suspended or transom

   b. The sign(s) shall meet the following requirement based on the zoning district in which it is located.

Zoning District	*Maximum Height Allowed*	*Maximum Size Per Face*	*Maximum Height Secondary Freestanding Identification Sign*
Residential (all districts)	6 ft.	25 sq. ft.	3 feet or ground sign
Office I & II, Office Business INST, Resort	8 ft.	90 sq. ft.	4 feet or ground sign
CB II, HB, RB, River, CI, IND, Light IND, Airport	25 ft.	200 sq. ft.	12.5 feet or ground sign
CBD, Urban Village	20 ft.	75 sq. ft.	10 feet or ground sign
NBD, CBI, NCD, URD, UP	12 ft.	60 sq. ft.	6 feet or ground sign

d. Amending Sec. 7-13-5(b)(3)(d) Off-premise signs to read:

(d) No off-premises sign shall be located within a 100-foot radius of a property zoned single-family residential or property in a multi-family zone that is in single-family residential use.

Section 2. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. This ordinance is effective upon adoption.

Read, approved, and adopted this 27th day of August, 2013.

Magdalen Bullerson
City Clerk

Mayor

Approved as to form:

Martha W. McMahon
City Attorney

Magdalen Bullerson
City Clerk

ORDINANCE NO. 4229

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 27th day of August, 2013.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

Martha W. McElveen
City Attorney

PURPOSE: Eagle-Market Street

Magdalen Bowleson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2013-14

3. Amendment to Operating ____ and/or Capital Project _x___ appropriation.

4. Requesting Department	5. Today's Date	6. Department Head Signature
Planning	8/27/2013	

7. Comments/Purpose: to establish a project budget for eagle market project (EDCIP)

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Transfer from General Fund				
4100xxxx xxxxxx E1401	$0.00		$2,200,000.00	$2,200,000.00
Expenditures:				
Outside Contribution				
41000xxx xxxxxx E1401	$0.00		$2,200,000.00	$2,200,000.00

ORDINANCE NO. 4230

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 10th day of September 2013.

Magdalen Bowlerson
City Clerk

Mayor

Approved as to form:

Martha W. McKinnon
City Attorney

PURPOSE: Accept funds donated to APD

Magdalen Bowlerson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2013/14

3. Amendment to Operating ____ and/or Capital Project __X__ appropriation.
4. Requesting Department: Asheville Police Department
5. Today's Date: 9/10/2013
6. Department Head Signature
7. Comments/Purpose: Private Donations

8. Account Number			9. Beginning Budget	10. Account Sum Balance	11. New Budget	12. Increase or Decrease by
Org Code	Object Code	Project Code				
Revenue:						
Private Donations						
22000121	483300	P9999	$0	$0.00	$7,000	$7,000
Expenditure:						
Supplies - Other						
22000121	524001	P9999	$0	$0.00	$1,000	$1,000
22000122	524001	P9999	$0	$0.00	$5,000	$5,000
22000120	524001	P9999	$0	$0.00	$1,000	$1,000

ORDINANCE NO. 4231

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 24th day of September, 2013.

Magdalen Bowleson
CITY CLERK

MAYOR

Approved as to form:

Martha W. McMahon
CITY ATTORNEY

PURPOSE: This Budget Amendment is to execute a change order in the amount of $133,490.00 to increase the engineering design services contract for Michael Baker Engineering, Inc., from $222,055.00 to $355,545.00 for the construction of the Grovemont Subdivision Waterline Improvement Project.

Magdalen Bowleson
City Clerk

331

City of Asheville
Budget Amendment

1. Effective Date: 9/24/2013
2. Fiscal Year: 2013-14

3. Amendment to Operating __ and/or Capital Project _X_ appropriation.

Water Resources	9/24/2013	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: Increase the professional services budget for the Grovemont WL Project to process a change order to increase the engineering design services contract with Michael Baker Engineering.

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Grovemont Development WL Replacement				
Tr Wtr OP 08/09				
61100911 - 498613 - W1212	$0.00	$0.00	$133,490.00	$133,490
Professional Services				
61100911 - 521002 - W1212	$222,055.00	$0.00	$355,545.00	$133,490
Revenue will be transferred				
from General Projects, W0001				

13. Balance of Transaction: $266,980.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4232

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 24th day of September 2013.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

Martha W. McMahon
City Attorney

PURPOSE: Allocate one more full-time employee to police for new School Resource Officer position.

Magdalen Bulleson
City Clerk

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City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2013/14

3. Amendment to Operating _x___ and/or Capital Project ____ appropriation.

Asheville Police Department — 4. Requesting Department
9/24/2013 — 5. Today's Date 6. Department Head Signature

7. Comments/Purpose: Addition of FTE to cover new SRO position

8. Account Number			9. Beginning	10. Account	11. New	12. Increase or
Org Code	Object Code	Project Code	Budget	Sum Balance	Budget	Decrease by
Revenue:						
Local Part.						
11000121	437101		$200,000		$249,842	$49,842
Expenditure:						
Full Time						
11000122	511001		$6,868,143		$6,900,835	$32,692
FICA Exp						
11000122	512001		$575,333		$577,834	$2,501
LGERS						
11000122	512002		$547,507		$549,887	$2,380
Police 401						
11000122	512003		376,035.00		$377,670	$1,635.00
Employer401						
11000122	512005		376,035		$377,670	$1,635
Group Ins						
11000122	512014		1,647,791.00		$1,656,791	$9,000.00

13. Balance of Transaction:

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:
16. Ordinance Number:
17. Date Received in Budget & Research:
18. Date Sent to City Clerk:

19. Date Posted:
By:
Sheet #:

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4233

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE CONCERNING CLARIFICATIONS TO AND MODIFICATIONS REGULATIONS ADDRESSING AGRICULTURE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Unified Development Ordinance of the City of Asheville strives to provide equitable standards for various types of uses; and

WHEREAS, the City Council has expressed its support for the expansion of agricultural production uses in the City through its adoption of a Food Policy; and

WHEREAS, it has been determined that there are existing standards that warrant reconsideration and new standards that are required to meet goals of that policy; and

WHEREAS, providing greater clarity and flexibility for agricultural uses is beneficial for the City of Asheville; and

WHEREAS, these proposed changes to the UDO in this ordinance are determined to be reasonable and in the public interest as follows:

a. They will provide greater clarity to standards and greater options for agricultural production.
b. They will update current standards to better match existing needs and practices.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Chapter 7 of the Asheville Code of Ordinances be amended by:

a. Amend Sec. 7-1-3 Jurisdiction to delete "c".

b. Amend Sec. 7-2-5 Definitions to modify the definition of Agriculture to read:

Agriculture means the use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or sorting the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities. Regulations addressing agriculture that does not include animals are governed by this Chapter. Regulations addressing agriculture involving animals (such as but not limited to bees, dairying, pasturage agriculture, animal or poultry husbandry) are in Chapter 3. All agricultural practices may be subject to further state and federal regulations.

c. Amend Sec. 7-8-1(b)(2)(c). Table of Uses to add a new use type:

Add under *Other Use Types*: Agriculture:

"S" - USSR in RS2, RS4, RS8, RM6, RM8, RM16, Urban Residential, and Urban Village

"P" - Permitted in all other zoning districts.

d. Amend Sec. 7-16-1(b) Uses by right, subject to special requirements to add a new use type:

4.1: *Agriculture*. All Residential districts including Urban Residential and Urban Village.

e. Amend Sec. 7-16-1(c)(2)(b) Uses by right subject to special requirements to add:

The footprint of accessory structures located on a lot shall not exceed the following maximum footprint(s):

Lot Size	One Structure	All Structures
Less than 1 acre	770 square feet	1,000 square feet
1 to 3 acres	1,200 square feet	1,600 square feet
More than 3 acres	No limit	No limit

The footprint of the portion of accessory structures used as accessory apartments shall not be included in this calculation of footprint for accessory structures. Accessory apartments shall meet the requirements established by section 7-16-1 of this chapter.

The footprint of any accessory structures used for agricultural purposes shall not be included in this calculation of footprint for accessory structures. Such structures must meet the requirements established for agricultural uses established in section 7-16-1 of this chapter.

f. Amend Sec. 7-16-1(c)(2)(c) Uses by right subject to special requirements to delete:

(2) Accessory structures.

c. Accessory structures shall not exceed 20 feet in height except that height may be increased one foot for every one foot of additional side and rear setback, up to a maximum of 40 feet.

Amend Sec. 7-16-1(c) Uses by right, subject to special requirements to add a new use type:

4.1: Agriculture:

a. Use districts: All residential districts including Urban Residential and Urban Village.

b. A site and operations plan must be submitted that includes a description of the proposed operation indicating:

1. Type of farming and (if applicable) list of products that will be sold on site,
2. Location and size of structures to be built to accommodate the use,
3. Permits for any animals regulated in Chapter 3 proposed as a part of the use,

4. Marketing plans (including on-site sales) if applicable, including proposed times and frequency of market operation or on-site sales,
5. Location of the intended public parking area (if applicable), and
6. Anticipated level of agriculturally related vehicle traffic.

c. If a market stand is proposed it must be a seasonal use to sell products grown on the property or created from products grown on the property. Market stands must provide off-street parking and may be open up to seven days a week. The proposal must include the proposed times and frequency of operation, location of intended public parking area, and products that will be sold on site. The public parking area may not exceed 5 spaces.

d. Standards for Structures
   1. If the agricultural operation is on a lot that contains a dwelling unit or other primary structure, accessory structures not used for agricultural purposes are also allowed meeting the standards for accessory structures in Sec. 7-16-1(c) of this chapter but may not exceed the cumulative limit for all structures established below .

   2. Storage and production structures for community gardens are allowed by right meeting the standards below for a lot without a primary structure.

   3. If the agricultural operation is on a lot that does not contain a dwelling or other primary structure, small storage or production structures (no larger than 12 x 12 and 10 feet tall and not within the public right of way) are allowed by right.

      Larger storage or production structures may be built when there is no primary structure (home or other allowed use) on the property meeting the standards below but the applicant must submit a notarized affidavit stating and confirming that the structure will be used only for agricultural storage or production uses.

      (a) The footprint of the proposed structure located on a lot without a primary structure may not exceed the following maximum footprint:

Lot Size	One Structure	All Structures
Less than 1 acre	770 square feet	1,000 square feet
1 to 3 acres	1,200 square feet	1,600 square feet
More than 3 acres	2,500 square feet	3,000 square feet

      (b) Structures must meet required setbacks for the zone and may not exceed 20 feet in height except that height may be increased one foot for every one foot of additional side and rear setback, up to a maximum of 40 feet.

      (c) On lots of more than three acres, structures may not be located in the required front yard. Structures located in side yards of corner lots whose rear or side yards are adjacent to a front yard of the adjacent lot, must maintain a setback equivalent to the front yard setback of the adjacent lot.

Section 2. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. This ordinance is effective upon adoption.

Read, approved, and adopted this 24th day of September, 2013.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

Martha W. McMahon
City Attorney

Magdalen Bowleson
City Clerk

ORDINANCE NO. 4234

ORDINANCE AMENDING CHAPTER 3 (ANIMALS) OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

WHEREAS, the City of Asheville has the authority, pursuant to N.C.G.S. § 160A-186 to regulate the keeping of domestic animals; and

WHEREAS, the City of Asheville has the authority, pursuant to N.C.G.S. § 160A-187 and § 67-4.5 to regulate animals which are dangerous to persons or property; and

WHEREAS, the City Council has determined that it is in the interest of the public health, safety and welfare to amend Chapter 3 of the City Code to address animal matters;

WHEREAS, providing greater clarity and flexibility for agricultural uses is beneficial for the City of Asheville; and

WHEREAS, these proposed changes to Chapter 3 in this ordinance are determined to be reasonable and in the public interest as follows:

a. They will provide greater clarity and flexibility to standards in general and to lawfully established, non-conforming uses
b. They will update current standards to better match existing needs and practices.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Chapter 3 of the Asheville Code of Ordinances be amended by:

a. Amending Sec. 3-4 by deleting the definition for *bona fide farm.*

b. Amending Sec. 3-4 by adding the following definition for *lawfully established, non-conforming use*:

Lawfully established, non-conforming use means a use of land and/or structure(s) for activities that were established legally, under the rules in place at that time in the applicable jurisdiction, prior to either an amendment of this Chapter or the city acquiring jurisdiction over the property, and which would not be permitted by this chapter.

c. Amending Sec. 3-10(a) to read:

(a) Except for animals kept on a as part of a lawfully established, non-conforming use, the keeping of animals in excess of that designated in subsection 3-9(a)(9) shall be allowed only upon the issuance of a written permit by the animal control administrator. The procedure for obtaining a permit shall be as follows:

d. Adding a new Sec. 3-24 that reads:

3-24. Animals associated with lawfully established, non-conforming uses.
(a) The provisions of this section shall apply only to lawfully established, non-conforming uses. Non-conforming uses and/or animals other than those lawfully established shall be considered violations of this Chapter.
(b) Livestock and/or exotic pets as part of a lawfully established, non-conforming use may be maintained and replaced by same or similar animals; however, their numbers may not be expanded even when the property and/or other conforming uses are expanded legally.

(c) A lawfully established, non-conforming use is allowed to continue unless the use is discontinued for a period of 180 or more consecutive days, and there are no substantial good faith efforts to re-establish the use. Obtaining permits to maintain the existing use or significant continues efforts to market the property for sale or lease for the existing use shall be regarded as good faith efforts. A legally established, non-conforming use shall be deemed discontinued after 24 months regardless of any substantial good faith efforts to re-establish the use.

(d) Animals associated with a lawfully established, non-conforming use must be documented and permitted by the animal control administrator.

e. Amending Sec. 3-36(a) to read:

(a) Except for animals as part of a lawfully established, non-conforming use, or animals participating in a permitted event, no livestock shall be kept by any person within the city; provided however, that livestock and exotic pets may be kept in the city if a written permit has been issued by the animal control administrator.

f. Amending Sec. 3-50(a) to read:

(a) Except for fowl as part of a lawfully established, non-conforming use, or fowl participating in a permitted event, no fowl shall be kept by any person within the city except in accordance with this article. Roosters are expressly prohibited unless associated with a lawfully established, non-conforming use. Roosters previously permitted by the city are grandfathered for the life of the rooster so long as the owner of the rooster maintains compliance with this chapter and the rooster does not create a public nuisance. Licensing of all fowl will be required upon expiration of any existing fowl permit authorized by the city.

Section 2. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. This ordinance is effective upon adoption.

Read, approved, and adopted this 24th day of September, 2013.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

Martha W. McKlobon
City Attorney

Magdalen Bourleson
City Clerk

ORDINANCE NO. 4235

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 22nd day of October, 2013

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: NC Office of Justice Programs via the US Dept. of Justice: Ballistic Vest Partnership (BVP) Grant 2013

Magdalen Burleson
City Clerk

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City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2013-14

3. Amendment to Operating ___ and/or Capital Project _X_ appropriation.

Police
4. Requesting Department

5. Today's Date

6. Department Head Signature

7. Comments/Purpose: To establish budget for Ballistic Vest Grant revenue and local match

8. Organization #	Object Code	Project #	9. Beginning Budget	10. Account Summary Bal	11. New Budget	12. Increase or Decrease By
ESTABLISH PROJECT BUDGET:						
22000122	435000	P1307	0.00	$0.00	$15,378.00	$15,378.00
Restricted Intergov Revenue - Federal Grant						
22090122	498100	P1307	0.00	$0.00	$15,378.00	$15,378.00
Transfer from General Fund						
22000122	524003	P1307	0.00	$0.00	$30,756.00	$30,756.00
Supplies - Safety Equipment						
					$0.00	
REVISE GENERAL FUND BUDGET FOR LOCAL MATCH TRANSFER TO PROJECT :						
11090122	800220		0.00	$0.00	$15,378.00	$15,378.00
11000122	524003		36,914.16	$0.00	($15,378.00)	($15,378.00)

ORDINANCE NO. 4236

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 22nd day of October, 2013.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: To appropriate North Carolina Governor's Highway Safety funds to cover the expenses of purchasing the necessary equipment and travel expenses.

Magdalen Bowlson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2013-14

3. Amendment to Operating _x___ and/or Capital Project ____ appropriation.

4. Requesting Department	5. Today's Date	6. Department Head Signature
Police	10/22/2013	

7. Comments/Purpose: Appropriate a $20,000 grant from the Governor's Highway Safety Program for equipment and travel funds for the Regional Law Enforcement Liaison.

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Federal Grants				
Governor's Highway Safety	$0.00		$20,000.00	$20,000.00
22000120-435000-P1400				
Expenditure:				
Travel/Training				
22000120-523001-P1400	$0.00		($7,561.00)	($7,561.00)
Small Equipment				
22000120-524001-P1400	$0.00		($12,439.00)	($12,439.00)

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:
16. Ordinance Number:
17. Date Received in Budget & Research:
18. Date Sent to City Clerk:

19. Date Posted:
By:
Sheet #:

Must be received by Budget & Research 14 days prior to the City Council Meeting.

ORDINANCE NO. 4237

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 22nd day of October, 2013.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

Martha McKlohon
City Attorney

PURPOSE: Budget amendment to establish a budget of $74,973.00 for capital improvements at the WNC Nature Center with a grant received from the North Carolina Department of Commerce.

Magdalen Bourleson
City Clerk

345

City of Asheville
Budget Amendment

1. Effective Date: 10/22/2013
2. Fiscal Year: 20013-2014

3. Amendment to Operating ____ and/or Capital Project __X__ appropriation.

Parks, Recreation & Cultural Art | 10/7/2013 | 4. Requesting Department | 5. Today's Date | 6. Department Head Signature

7. Comments/Purpose: Funding for capital improvements at Nature Center from NC Dept of Commerce to Grassroots Members

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
REVENUE - GCPF WNC				
41008401-436000 R1411	0.00	$0.00	$74,973.00	$74,973.00
EXPENSE				
41008401-521001 R1411	0.00	$0.00	$74,973.00	$74,973.00
(contracted services)				
			13. Balance of Transaction:	$149,946.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:
16. Ordinance Number:
17. Date Received in Budget & Research:
18. Date Sent to City Clerk:

19. Date Posted:
By:
Sheet #:

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4238

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment forms attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 22nd day of October 2013.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

Martha McMahon
City Attorney

PURPOSE: To increase the project budget for the Black Mountain Trailblazer; and the City of Asheville's administrative cost.

Magdalen Burleson
City Clerk

City of Asheville

Budget Amendment Details

1. Effective Date:

2. Fiscal Year: 2013-14

3. Amendment to Operating __X_ and/or Capital Project _X__ appropriation.

4. Requesting Department | 5. Today's Date | 6. Preparer's Name

7. Comments/Purpose:

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
JARC MOUNTAIN MOBILITY PROJECT:				
REVENUE:				
65100950 435516 T1303	$0		$118,065	$15,884
JARC Grant Revenue for project				
65000950 435516	$0		$26,290	$3,584
FTA JARC				
EXPENDITURES:				
65100950 527102 T1303	$0		$118,065	$15,884
Pass Through Expense				
65000950 528013	$0		$26,290	$3,584
Contingency				

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

ORDINANCE NO. 4239

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 22nd day of October, 2013.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Lake Craig/Azalea Road

Magdalen Bowleson
City Clerk

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City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2013-14

3. Amendment to Operating ____ and/or Capital Project _x___ appropriation.

4. Requesting Department	5. Today's Date	6. Department Head Signature
Public Works	10/15/2013	

7. Comments/Purpose: to budget additional funding for Lake Craig/Azalea Rd

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Water Capital Fund				
Revenue:				
water installation expenditure transfer				
61190911 498618 K1104	$0.00	$0.00	$371,127.00	$371,127.00
Expenditures:				
Infrastructure				
61100911 615101 K1104	$0.00	$0.00	$371,127.00	$371,127.00
General Capital Fund				
Revenue:				
Debt Proceeds				
41000231 492000 K1104	$0.00	$0.00	$1,037,588.00	$1,037,588.00
Expenditures:				
Infrastructure				
41000231 615101 K1104	$1,710,414.00	$1,634,909.00	$2,748,002.00	$1,037,588.00
Stormwater Operating Fund				
Revenue:				
Fund Balance				
62400320 499100	$481,811.00	$0.00	$544,704.00	$62,893.00
Expenditures:				
Trasnfer to Stormwater Cap.				
62490320 800625	$481,811.00	$481,811.00	$544,704.00	$62,893.00
Stormwater Capital Fund				
Revenue:				
Transfer from Stormwater Fund				
62590320 498624 K1104	$0.00	$0.00	$62,893.00	$62,893.00
Expenditures:				
Infrastructure				
62500320 615101 K1104	$1,080,494.00	$1,080,494.00	$1,143,387.00	$62,893.00
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:
16. Ordinance Number:
17. Date Received in Budget & Research:
18. Date Sent to City Clerk:

19. Date Posted:
By:
Sheet #:

Must be received by Budget & Research 14 days prior to the City Council Meeting.

ORDINANCE NO. 4240

ORDINANCE AMENDING CONDITIONAL ZONING (ORDINANCE NO. 3603) FOR PROPERTY LOCATED OFF OF HENDERSONVILLE ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, on April 8, 2008, the Asheville City Council adopted Ordinance No. 3603, rezoning property located off Hendersonville Road (PINs – 9655.14-3460 and 9655.24-0108) from RM8 (Residential Multi-Family Low Density) District, OB (Office Business District) and HB (Highway Business District) to RM16 (Residential Multi-Family High Density) Conditional Zoning District; and

WHEREAS, a new property owner now seeks revisions to the development as approved under Ordinance No. 3603; and

WHEREAS, section 7-7-8(6) of the City Code (UDO) allows for amendments to a conditional zoning ordinance upon City Council approval; and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. The proposal supports the City of Asheville's goal of pursuing higher density infill development.
b. The project proposes a minimum affordable housing component of ten percent (14 units).
c. The development takes a property on which significant infrastructure improvements have taken place and proposes a sensitive residential development for this property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PINs 9655.14-3460 and 9655.24-0108 (RM-16CZ) is amended for the Evolve Mountain View Apartments (formerly Carefree Village) development by revising the location/placement and design of the buildings on the property, adding five additional dwelling units, and adding community amenities in accordance with the submitted revised plans. A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B", attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. This ordinance shall be enforced as provided in Article XVIII of Chapter 7, and Sec. 1-5 of the Asheville City Code.

Section 5. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 6. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 22nd day of October, 2013.

Magdalen Bouleson
City Clerk

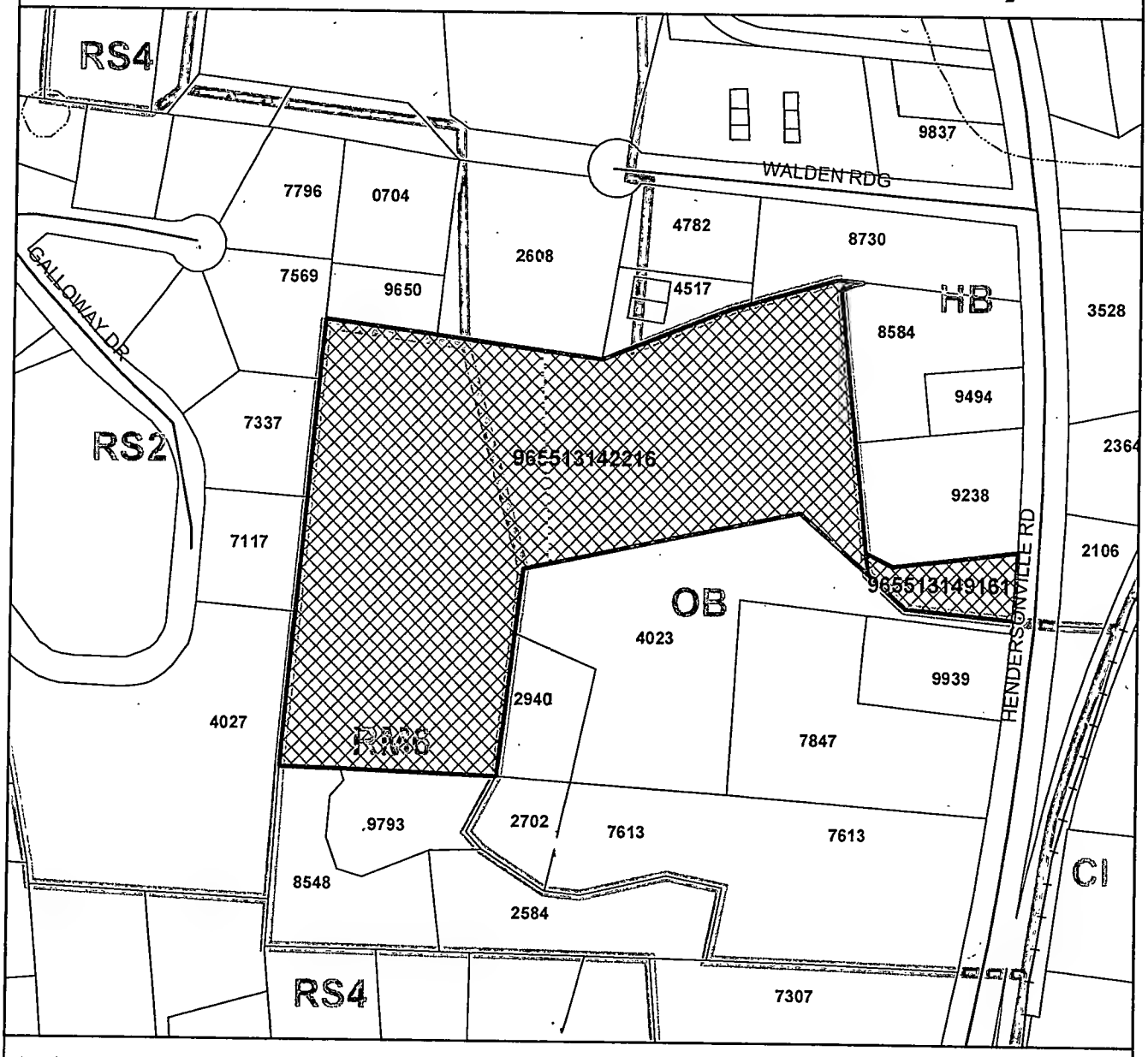
Mayor

Approved as to form:

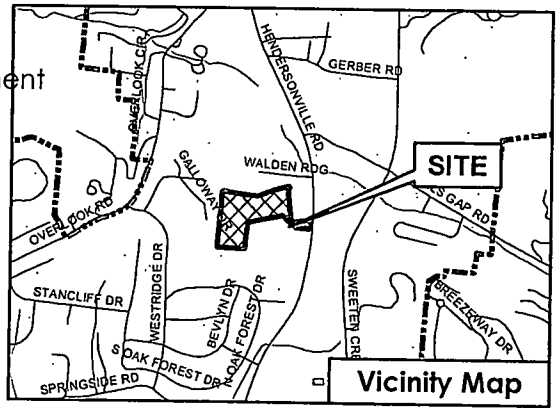
City Attorney

Magdalen Bouleson
City Clerk

City of Asheville - Exhibit A Map
Conditional Zoning Petition



Project Name:	Carefree Asheville
Project Number:	CZ 08-51-001
Project Description:	Multi & Single Family Developement
Petitioner(s):	Lodestone of Asheville, LLC
Parcel ID Number(s):	9655.13-14-2216 & 9161
Location/Address:	Hendersonville Road



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Development Department - Date goes here

EXHIBIT B

CONDITIONS

1. The project shall comply with all conditions outlined in the TRC staff report.
2. This project will undergo final review by the TRC prior to the issuance of any site development permits.
3. All site lighting must comply with the City's Lighting Ordinance, Section 7-11-10, of the Unified Development Ordinance. A detailed lighting plan illustrated compliance with the ordinance will be required upon submittal of detailed plans to be reviewed by the Technical Review Committee.
4. All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape, utility and grading plans.
5. The building design, construction materials and orientation on site must comply with the conceptual site plan and the building elevations presented with this application. Any deviation from these plans may result in reconsideration of the project by the reviewing boards.
6. This Project will undergo final review by the TRC prior to issuance of any required permits.

ORDINANCE NO. 4241

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY(S) LOCATED AT ROBERTS STREET, CLINGMAN AVENUE EXTENSION AND PARK AVENUE (NORTH)

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. City goals support mixed-use development, especially providing residential uses in a walkable location proximate to transit and the Central Business District
b. Streetscape improvements will greatly enhance the pedestrian experience along Roberts Street and Clingman Avenue Extension.
c. Structured parking is integrated into the site design so that it is masked from the street by habitable and active uses.
d. Urban Place zoning sets forth specific design and operational standards to ensure a development that will integrate into the area and enhance the activity at the street level.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PINs 9648.07-2183 and 9648.06-1953 from River and Commercial Industrial districts to

Urban Place district. A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B", attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 22nd day of October, 2013.

Magdalen Burleson
City Clerk

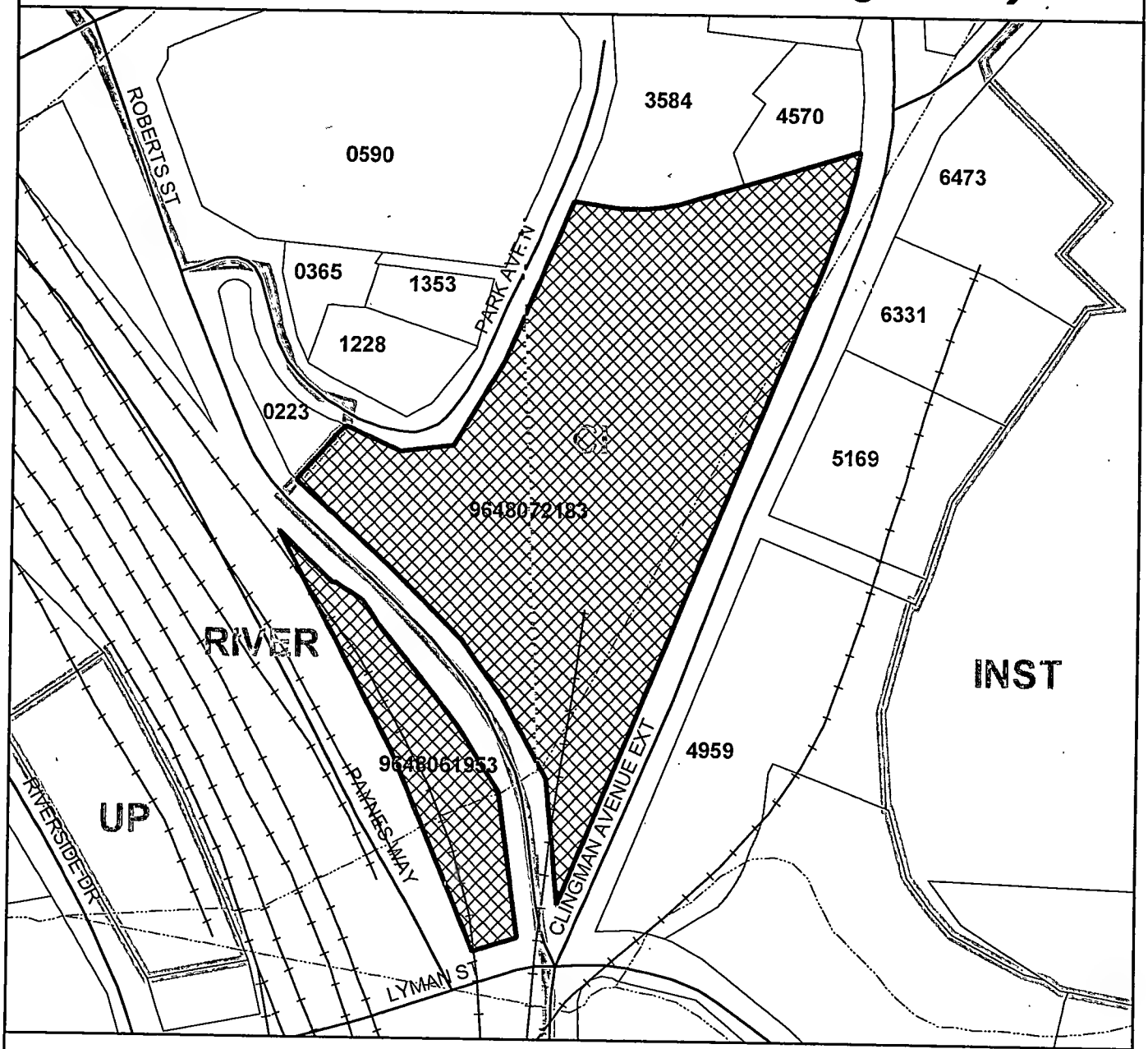
Mayor

Approved as to form:

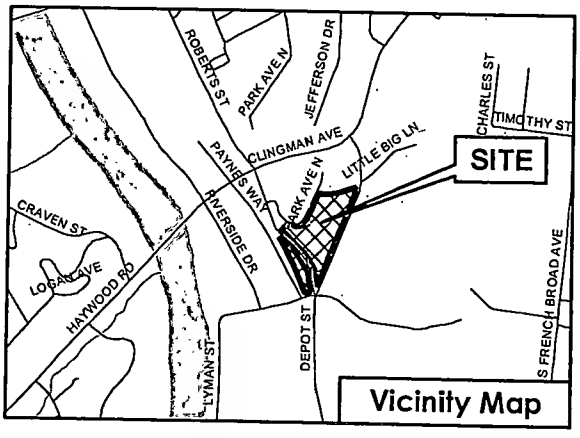
Martha McKlohon
City Attorney

Magdalen Burleson
City Clerk

City of Asheville - Exhibit A Map
RAD Lofts Conditional Zoning



Project Name:	RAD Lofts
Project Number:	13-3925
Project Description:	Condtional zoning from River & CI to UP-CZ
Petitioner(s):	RAD Lofts, LLC
Parcel ID Number(s):	9648-07-2183 & 9648.06-1953
Location/Address:	Clingman Ave. Ext. and Roberts St.



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Development Department - September 2013

ORDINANCE NO. 4242

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 329 ROCKWOOD ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. The project is in an area shown as a regional node in the comprehensive plan.
b. The project supports the objective of placing large commercial uses in appropriate areas adequately served by public utilities and transportation resources with easy access to the interstate highway system.
c. The project supports the strategic goal of economic growth for the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9643.75-1885 from Highway Business District to Highway Business Conditional Zoning District. A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B", attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 22nd day of October, 2013.

Magdalen Bouleson
City Clerk

Mayor

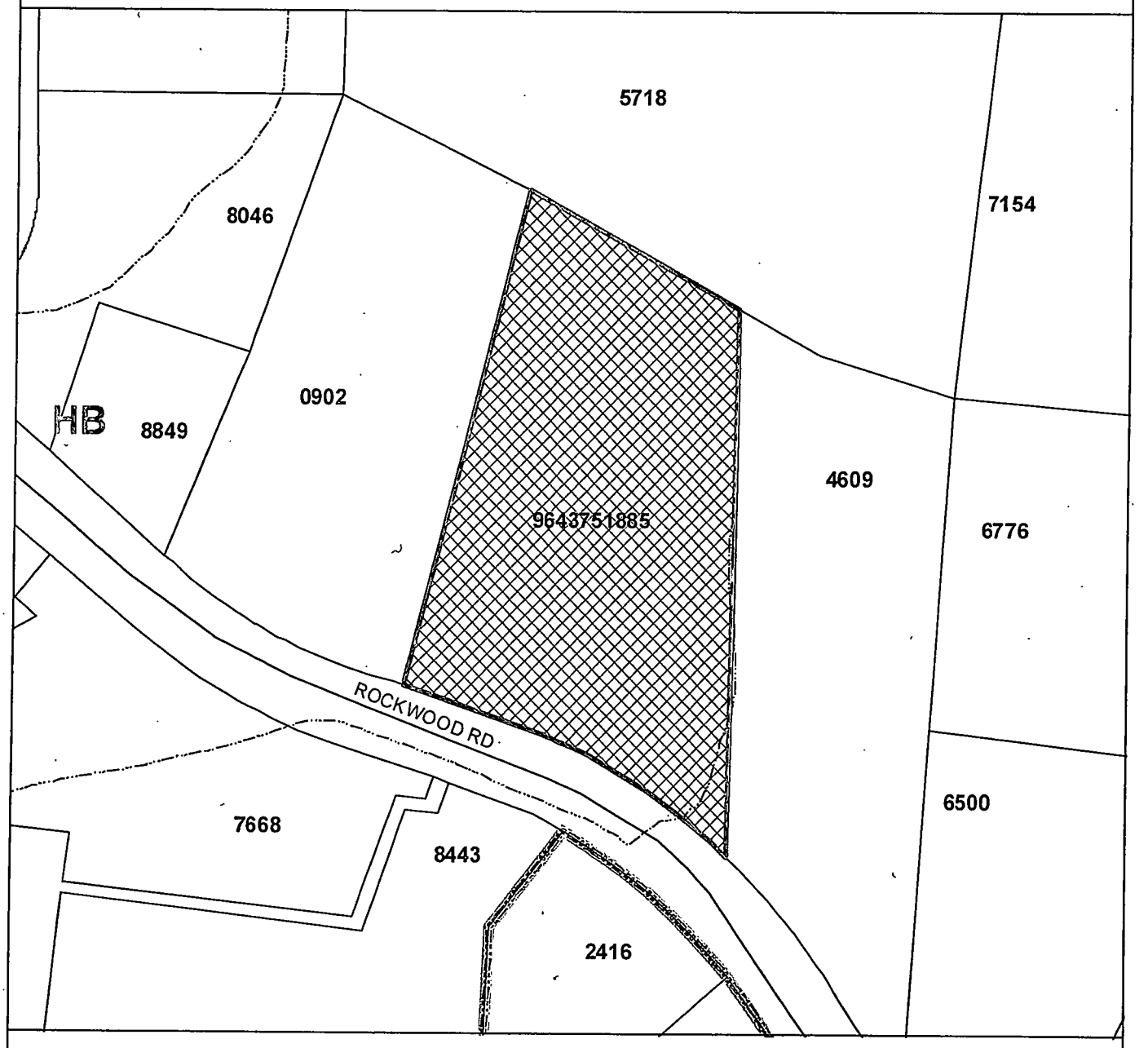
Approved as to form:

City Attorney

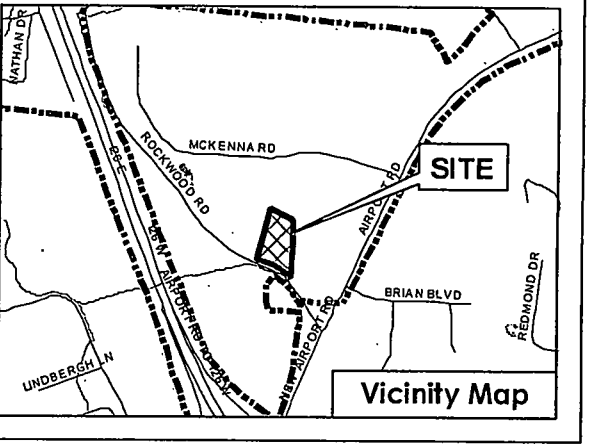
Magdalen Bouleson
City Clerk

359

City of Asheville - Exhibit A Map
Conditional Zoning Holiday Inn Express



Project Name:	CZ Holiday Inn Express
Project Number:	13-5270
Project Description:	Conditional Zoning - HB to HB-CZ
Petitioner(s):	PMHB, LLC
Parcel ID Number(s):	9643-75-1885
Location/Address:	329 Rockwood Road



Project Site | Parcels | Zoning Districts | Asheville City Limits | Streets | Streams

City of Asheville Planning and Development Department - September 2013

EXHIBIT B
CONDITIONS

1. The project shall comply with all conditions outlined in the TRC staff report.
2. This project will undergo final review by the TRC prior to the issuance of any site development permits.
3. All site lighting must comply with the City's Lighting Ordinance, Section 7-11-10, of the Unified Development Ordinance. A detailed lighting plan illustrated compliance with the ordinance will be required upon submittal of detailed plans to be reviewed by the Technical Review Committee.
4. All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape, utility and grading plans.
5. The building design, construction materials and orientation on site must comply with the conceptual site plan and the building elevations presented with this application. Any deviation from these plans may result in reconsideration of the project by the reviewing boards.
6. This Project will undergo final review by the TRC prior to issuance of any required permits.

361

ORDINANCE NO. 4243

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY(S) LOCATED AT 919 HAYWOOD ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, a conditional zoning was approved for this property by City Council on August 14, 2007, and the current property owner desires to amend this conditional zoning; and

WHEREAS, Section 7-7-8(c)(6) of the City Code (UDO) allows for an amendment to a conditional zoning ordinance upon City Council approval; and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. A distressed property at a key location will be completed
b The revised plan reflects goals for the community and is based on current economic realities
c Multi-family higher density development will be located on an appropriate corridor with multi-modal transportation options
d. The community was involved in the creation of the initial concept plans in 2006

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit "A" and identified on Buncombe County tax maps as PIN 9638-05-0924 is amended to facilitate the development of a mixed-use project as set forth in Exhibit "B", attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 22nd day of October, 2013.

Magdalen Burleson
City Clerk

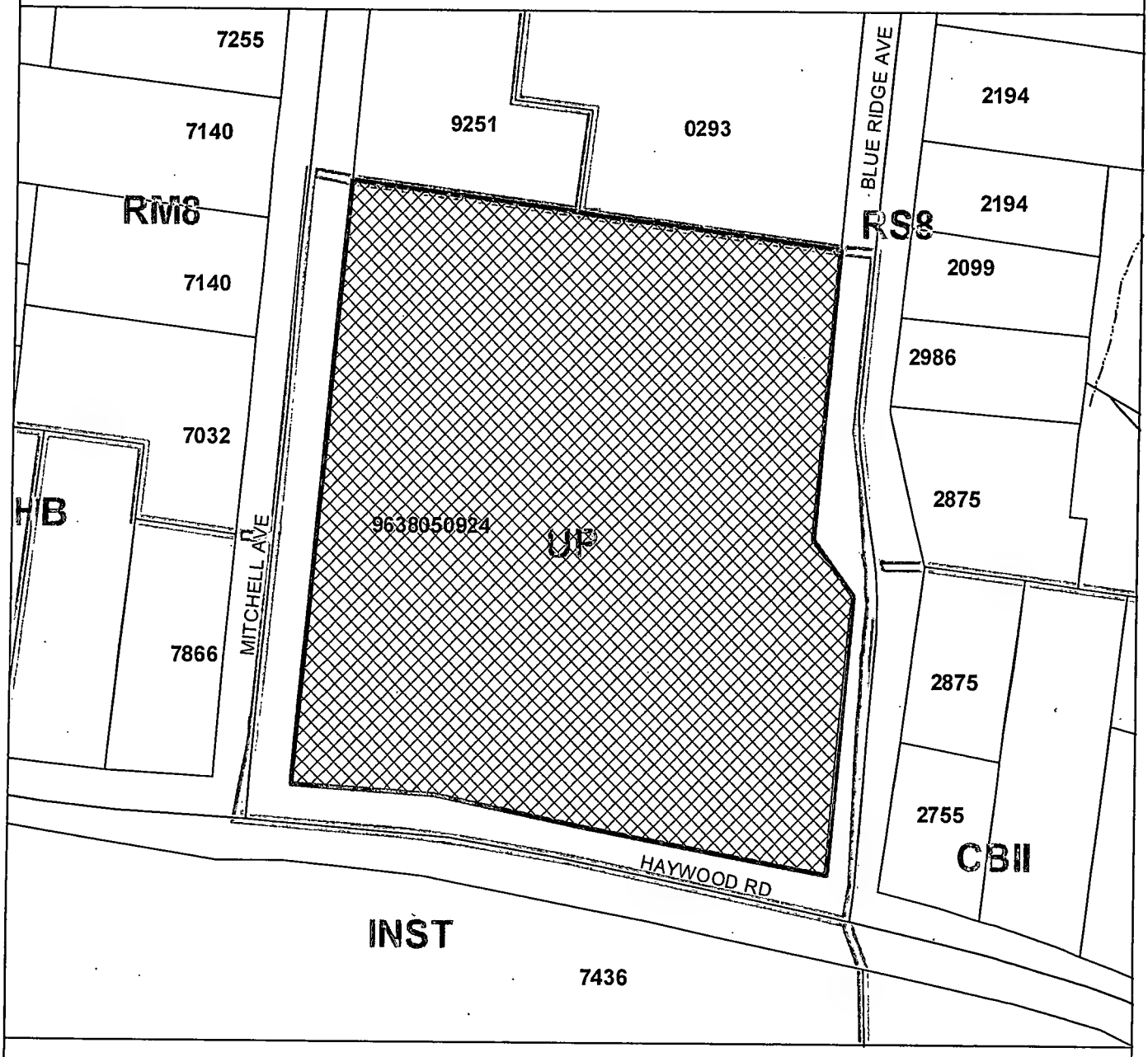
Mayor

Approved as to form:

City Attorney

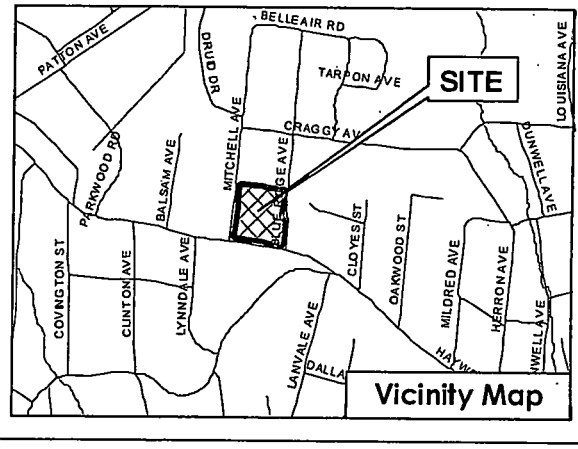
Magdalen Burleson
City Clerk

City of Asheville - Exhibit A Map
CZ Amendment - Haywood Village



Project Name:	Haywood Village
Project Number:	13-5291
Project Description:	CZ Amendment
Petitioner(s):	Village on Haywood Development, LLC
Parcel ID Number(s):	9638-05-0924
Location/Address:	919 Haywood Road

Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams



City of Asheville Planning and Development Department - September 2013

EXHIBIT B
CONDITIONS

1. The project shall comply with all conditions outlined in the TRC staff report.
2. This project will undergo final review by the TRC prior to the issuance of any site development permits.
3. All site lighting must comply with the City's Lighting Ordinance, Section 7-11-10, of the Unified Development Ordinance. A detailed lighting plan illustrated compliance with the ordinance will be required upon submittal of detailed plans to be reviewed by the Technical Review Committee.
4. All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape, utility and grading plans.
5. The building design, construction materials and orientation on site must comply with the conceptual site plan and the building elevations presented with this application. Any deviation from these plans may result in reconsideration of the project by the reviewing boards.
6. This Project will undergo final review by the TRC prior to issuance of any required permits.

365

ORDINANCE NO. 4244

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE CONCERNING CLARIFICATIONS TO AND MODIFICATIONS OF REGULATORY STANDARDS FOR INDUSTRIAL USES

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Unified Development Ordinance of the City of Asheville currently provides standards for various industrial uses; and

WHEREAS, it has been determined that there are existing standards that warrant reconsideration; and

WHEREAS, providing greater flexibility for industrial uses is beneficial for the City of Asheville; and

WHEREAS, this proposed change to the ordinance is determined to be reasonable and in the public interest as follows:

a. It will update current standards to better match existing needs and practices.
b. It will provide more flexibility for potential industrial uses.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Chapter 7 of the Asheville Code of Ordinances be amended by:
c. Amending Sec. 7-11-4(c) to read:

(c) Open space requirement. Open space shall be provided in accordance with the following table for: initial residential development containing eight or more units or redevelopment or additional development that adds eight or more units; for initial nonresidential or mixed use development of lots containing one acre or more in area; or for redevelopment or additional development that adds 25 percent more nonresidential or mixed use floor area on lots containing one acre or more in area. The CBD district and single-family residential subdivisions with a minimum lot size of one acre or more are exempt from the requirements of this section.

ZONING DISTRICT	REQUIRED OPEN SPACE
All other districts, including URD (except as otherwise noted for the: CBD, Industrial, Commercial Industrial)	5% of lot area for development that primarily includes urban open space amenities. 15% of lot area for development that primarily includes suburban open space amenities 5% of lot area for industrial uses (as noted in the Table of Uses) in Commercial Industrial No open space requirements: CBD and Industrial

Section 2. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. This ordinance is effective upon adoption.

Read, approved, and adopted this 22nd day of October, 2013.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

Martha McKlohon
City Attorney

Magdalen Bowleson
City Clerk

367

ORDINANCE NO. 4245

ORDINANCE AMENDING ARTICLE II (STREETS, SIDEWALKS AND OTHER PUBLIC PLACES), OF CHAPTER 16 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

WHEREAS, N. C. Gen. Stat. sec. 160A-296(6) allows municipalities to regulate digging in City streets;

BE IT ORDAINED BY THE CITY COUNTIL OF THE CITY OF ASHEVLLE THAT:

Section 1: Section 16-39 (Permit exclusions) of Article II of Chapter 16 of the Code of Ordinances be and is hereby repealed in its entirety.

Section 2: That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 3: That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 4: This ordinance shall be in full force and effect on January 31, 2014.

Read, approved and adopted this 22nd day of October, 2013.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

ORDINANCE NO. 4246

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 12th day of November, 2013.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Grant Funding for Haz Mat Team

Magdalen Bullock
City Clerk

369

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2013-14

3. Amendment to Operating ____ and/or Capital Project _x___ appropriation.

Fire	11/12/2013	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: to budget grant funding

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Grant Funding				
41000111 435000 F1102	$0.00	$0.00	$17,500.00	$17,500.00
Expenditures:				
Training				
41000111 523001 F1102	$0.00	$0.00	$2,500.00	$2,500.00
Mach & Equip				
41000111 614101 F1102	$0.00	$0.00	$15,000.00	$15,000.00

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4247

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 12th day of November, 2013.

Magdalen Bullerson
CITY CLERK

MAYOR

Approved as to form:

Martha McGlohon
CITY ATTORNEY

PURPOSE: This Budget Amendment increases the North Fork Water Treatment Plant Waste Lagoon # 3 Dredging and Sludge Removal and Disposal Project Budget to $366,400.00.

Magdalen Bullerson
City Clerk

371

City of Asheville
Budget Amendment

1. Effective Date: 11/12/2013
2. Fiscal Year: 2013-14

3. Amendment to Operating __ and/or Capital Project _X_ appropriation.

Water Resources	11/12/2013	
4. Requesting Department	**5. Today's Date**	**6. Department Head Signature**

7. Comments/Purpose: Create a contracted services budget for the North Fork WTP Lagoon # 3 Project to process a general services contract with Bio-Nomic Services, Inc. to the removal and disposal of sludge.

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
North Fork Lagoon # 3				
Tr Wtr OP 11/12				
61100911 - 498616 - W1003	$0.00	$0.00	$201,970.00	$201,970
Contracted Services				
61100911 - 521001 - W1003	$0.00	$0.00	$201,970.00	$201,970
Revenue will be transferred				
from General Projects, W0001				

13. Balance of Transaction: $403,940.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		**19. Date Posted:**	
16. Ordinance Number:		**By:**	
17. Date Received in Budget & Research:		**Sheet #:**	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

ORDINANCE NO. 4248

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 12th day of November, 2013.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Concrete Repairs - Utility Cuts

Magdalen Burleson
City Clerk

373

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2013-14

3. Amendment to Operating _x___ and/or Capital Project ____ appropriation.

Public Works	11/12/2013	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: to budget funding for street cut concrete contract

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Sales and Services				
62200314 450002	$1,336,815.00	$0.00	$1,508,930.00	$172,115.00
Expenditures:				
Contracted Srv				
62200314 521001	$242,207.00	$242,207.00	$414,322.00	$172,115.00
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4249

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 12th day of November, 2013.

Magdalen Bruleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: ADDI Programming

Magdalen Bruleson
City Clerk

375

City of Asheville Budget Amendment

1. Effective Date: 11/12/2013

2. Fiscal Year: 2013-2014

3. Amendment to Operating __ and/or Capital Project _x_ appropriation.

Planning/Community Development Dev.	11/4/2013	
4. Requesting Department	**5. Today's Date**	**6. Department Head Signature**

7. Comments/ Purpose: To receive Program Income from Mountain Housing Opportunities from the ADDI Program enabling Community Development to reallocate funds back to MHO

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
REVENUE			$0	
D3004207:484218:D0981	$0	$0.00	$27,178	$27,178
			$0	
			$0	
			$0	
EXPENDITURE			$0	
D3004207:528013:	$43,904	$43,904.00	$98,260	$27,178
			$0	

13. Balance of Transaction: $54,356.00

14. Information below is to be completed by Budget AND Research and City Clerk's office.

15. Budget & Research Approval:

16. Ordinance Number:

17. Date Received in Budget & Research:

18. Date Sent to City Clerk:

Must be received by Budget & Research 14 days prior to the City Council Meeting

16. Date Posted:

By:

Sheet #:

ORDINANCE NO. 4250

ORDINANCE AMENDING ORDINANCE NO. 4147 GRANTING CONDITIONAL USE PERMIT FOR A-B TECHNICAL COMMUNITY COLLEGE (240 VICTORIA ROAD; NOW GENEVIEVE CIRCLE)

WHEREAS, the City has the authority pursuant to N. C. Gen. Stat. 160A-381 to issue or amend conditional use permits; and

WHEREAS, on December 11th , 2012 the City of Asheville adopted Ordinance No. 4147, issuing a Conditional Use Permit for the construction of an Allied Health and Workforce Development Facility for A-B Technical Community College; and

WHEREAS, the City Council conducted public hearings on November 12, 2013, to consider an amendment of the Conditional Use Permit;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The amendments to the Conditional Use Permit for A-B Technical Community College be and the same are hereby, approved, as set forth in the Order attached hereto as Exhibit A.

Section 2. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 4. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted this 12th day of November, 2013.

Magdalen Bandeson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bandeson
City Clerk

Exhibit A

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

CITY OF ASHEVILLE
CITY COUNCIL
File No. 13 CUP _____

In the matter of:
Conditional Use Permit for property at
Genevieve Circle (formerly 240 Victoria Road)
(A-B Technical Community College)

ORDER GRANTING
AMENDMENT TO
CONDITIONAL USE PERMIT

This matter coming on for public hearing before the Asheville City Council at its November 12, 2013, regular meeting, upon an application for an amendment to the Conditional Use Permit issued by the adoption of Ordinance No. 4147, adopted on December 11, 2012, for construction of an Allied Heath and Workforce Development Facility (herein "Project") located on approximately 13+/- acres of land on Victoria Road (herein "Subject Property"), and based on the information presented at the public hearing, the City Council makes the following findings and conclusions, and enters the following order:

FINDINGS

1. This public hearing was advertised on November 1, 2013 and November 8, 2013; the Subject Property was posted with signs, and notices were mailed to adjacent property owners. There were no objections based on a lack of notice.

2. Except as modified by this Ordinance, Council hereby incorporates by reference the findings set out in Ordinance No. 4147 as if fully set forth herein.

3. The applicant proposes to redesign the project making it smaller and moving it farther east on the property as shown on Exhibit A-1.

4. The revised proposal will demolish all but two of the existing structures located on the site (chapel and child care center) to construct the A-B Technical College Allied Health and Workforce Facility, reduced in size to 169,542 square feet. This building will be located on the eastern (Victoria Road) side of the property with a footprint of 36,120 square feet. The new location of the building is approximately 400 feet farther away from the adjoining residential neighborhoods than in the previous design, addressing concerns that were expressed by neighbors regarding the original design.

5. The impervious area for the completed site is substantially (4.35 acres) reduced from the earlier proposal. The redesigned site plan also provides for the retention of the existing small soccer field to the southwest which was proposed to become a parking lot under the previous plan.

6. The new building is 78 feet in height (five stories) which will house classrooms, offices, and laboratories. 31,088 square feet of space on the fourth and fifth floors will be constructed as shell space at this time.

7. Access to the site is (and will remain) via Victoria Road. The two existing access points are to be improved with right turning lanes and improved site lines for safer ingress/egress. A new sidewalk will be constructed along Victoria Road.

8. The applicant is working with the City Transportation Department on the provision of a bus shelter on the opposite side of Victoria Road.

9. A total of 344 parking spaces are required (minimum) and provided. This is a major reduction from the original proposal which showed 558 spaces. As the shell space is developed, remote parking will be provided at other campus locations. 9 handicapped spaces are provided along with accommodations for parking 18 bicycles.

10. Buffer yards, street trees, vehicular use area plantings, and building impact landscaping are provided. The plans show a total of 212,612 square feet of open space (only 83,519 square feet are required).

Based on the findings set forth above, the City Council makes the following jurisdictional conclusions and conditional use determinations:

JURISDICTIONAL CONCLUSIONS

1. Notice of the public hearing on this matter was provided as required by statute and ordinance, and this matter is properly before the City Council.

2. This application is being reviewed as an amendment to a Level III conditional use pursuant to UDO Sec. 7-5-9(a), 7-5-5, and 7-16-2(b)(2).

CONDITIONAL USE DETERMINATIONS

If the Project is developed in accordance with the approved conceptual site plan as amended and elevation drawings, made a part hereof, and in accordance with the conditions set forth below, the Project amendment will continue to satisfy the standards for conditional uses specified in City Code Sec. 7-16-2(c), as set out in Ordinance No. 4147, and hereby incorporated by reference, except as modified herein.

1. **That the proposed use or development of the land will not materially endanger the public health or safety.**

The project will meet all requirements of the North Carolina Building Code and the City of Asheville and will be reviewed in detail by the North Carolina Department of Insurance

and the City of Asheville's Technical Review Committee to ensure compliance with safety requirements

2. **That the proposed use or development of the land is reasonably compatible with significant natural or topographic features on the site and within the immediate vicinity of the site given the proposed site design and any mitigation techniques or measures proposed by the applicant.**

As most of the site was previously developed with buildings and parking facilities and the site is in an area heavily developed with institutional uses, there are few significant natural features on the site or in the area to be protected. The site is in a very prominent setting elevation-wise which has been taken into consideration in the design. The pine trees that line Victoria Road will be lost due to the development; however, the planting plans propose that a number of pines will be newly planted in respect for the history of the site.

3. **That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property.**

The parcels in the area surrounding the site are largely occupied by other institutional uses and the site itself has been used for years for educational purposes. Where the project site abuts multi-family or single-family properties, landscape buffering will be provided. The redesign of the building places it 400 feet further from adjoining residential properties than previously designed.

4. **That the proposed use or development or the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located.**

The Allied Health and Workforce Development Facility is proposed to be five stories in height. While this is larger than the educational buildings currently located on the site it is in keeping with other institutional buildings in the vicinity. Significant vegetation will be provided on the site and open space exceeds that required by the City. The development is compatible with the scale, bulk, coverage and character of the other institutional uses in the area.

5. **That the proposed use or development of the land will generally conform to the comprehensive plan, smart growth policies, sustainable economic development strategic plan and other official plans adopted by the City.**

This project supports the comprehensive plan stated goal of "the City working with Asheville-Buncombe Technical Community College to address the needs of the college as it expands". Additionally, the project is proposed to be LEED certified which aligns with green building and smart growth focuses found in the comprehensive plan.

6. **That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.**

The proposed project is located on a roadway that serves major institutional uses at present and is served by the S4 transit route. The project has been reviewed by the Technical Review Committee who found that existing infrastructure appears to be adequate and the preliminary review has not revealed any problems for future service to the development.

7. **That the proposed use will not cause undue traffic congestion or create a traffic hazard.**

The development plans for this project along with the accompanying traffic impact analysis have been reviewed by the City's Traffic Engineer. Several suggested revisions to the originally submitted plans have been made to improve both vehicular and pedestrian traffic. A new sidewalk will be provided along Victoria Road.

On the basis of the above findings and conclusions, the Asheville City Council grants the application for a Conditional Use Permit for the Project, subject to the following conditions:

1. The Project shall comply with all conditions identified by the Technical Review Committee and shall undergo final review by the TRC prior to the issuance of any site development permits.

2. All site lighting shall comply with the City's Lighting Ordinance, Section 7-11-10 of the UDO. A detailed lighting plan illustrating compliance with this ordinance, will be required upon submittal of detailed plans to be reviewed by the Technical Review Committee.

3. All existing vegetation to remain shall be clearly indicated and dimensioned on the site, landscape and grading plans.

4. The building design, construction materials and orientation on-site must comply with the conceptual site plan and building elevations presented with this application. Any deviation from these plans may result in reconsideration of the project by the reviewing boards.

5. These conditions shall be binding on the Applicant, and any successors in interest.

Read, approved and adopted this the 12th day of November, 2013.

Magdalen Burleson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

Martha McKlohon
City Attorney

ORDINANCE NO. 4251

ORDINANCE AMENDING CHAPTER 12 OF THE CODE OF ORDINANCES TO REVISE THE DEFINITION OF RECREATIONAL FACILITIES WHERE THE CARRYING OF CONCEALED HANDGUNS IS PROHIBITED

WHEREAS, the General Assembly of North Carolina passed Session Law 2013-269, effective October 1, 2013, which modifies previous law by revising the definition of "recreational facility" to eliminate "playgrounds" from the definition entirely and to modify the definition of "athletic field" to apply only to such fields during an organized athletic event if so scheduled by the municipality responsible for its operation; and

WHEREAS, the City Code, Sec. 12-27 currently defines "recreational facility" to include playgrounds and any athletic field, in accordance with previous law and therefore, needs to be revised to conform with the new State Law; and

WHEREAS, Appendix G of the City Code currently lists playgrounds and any athletic field as defined recreational facilities, in accordance with previous law and therefore, needs to be revised to conform with the new State Law;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Article II of Chapter 12 of the Code of Ordinances regarding park and public building regulations to be amended to read as follows:

a) **Sec. 12-27. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Park means any area or space set aside and designated as a public park by the city council and any park owned by the city.

Recreational Facility includes only the following: (1) An athletic field, including any appurtenant facilities such as restrooms, during an organized athletic event if the field has been scheduled for use with the City or municipality responsible for operation of the park or recreational area; (2) A swimming pool, including any appurtenant facilities used for dressing, storage of personal items, or other uses relating to the swimming pool; (3) A facility used for athletic events, including but not limited to, a gymnasium.

Section 2. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4. This ordinance shall be enforced as provided in City Code Sec. 1-5.

Section 5. This ordinance will become effective upon adoption.

Read, approved and adopted this 12th day of November, 2013.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

APPENDIX G: RECREATIONAL FACILITIES WHERE CONCEALED HANDGUNS ARE PROHIBITED PER CITY ORDINANCE NO. 4251 CODIFIED AT SEC. 12-42

Athletic Fields

Ballfields

Carrier Park
Charlie Bullman Park (3)
Martin Luther King, Jr. Park
McCormick Field
Montford Complex
Murphy-Oakley Park
Ray L. Kisiah Park (4)
Roger Farmer Memorial Park (3)
Shiloh Park
Valley Springs Middle School Ballfield (5)
Walton Street Park
Weaver Park
West Asheville Park

Soccer Fields

Azalea Park (4)
Carrier Park
Martin Luther King, Jr. Park
Memorial Stadium

Swimming Pools

Malvern Hills
Recreation Park
Walton Street

Athletic Facility

Basketball Courts

Aston Park (2)
Burton St. Center (4)
Carrier Park (2)
East Asheville Center
Kenilworth Park
Lakewood Park
Magnolia Park
Montford Complex
Murphy-Oakley Park
Recreation Park (3)
Roger Farmer Park (2)
Shiloh Park
Stephens-Lee Center
W.C. Reid Center
Walton Street Park
Weaver Park
West Asheville Center

Shuffleboard Courts

Harvest House

Tennis Courts

Aston Park Tennis Center
Choctaw Street Park - 2 tennis courts
Kenilworth Park - 2 tennis courts
Livingston Street Park - 2 tennis courts
Malvern Hills Park - 2lighted tennis courts
Montford Complex - 2lighted tennis courts
Murphy-Oakley Park - 3 tennis courts
Shiloh Complex - 1tennis courts
Weaver Park - 2 tennis courts
West Asheville Park - 2tennis courts

Climbing Wall

The Montford Climbing Wall

Disc Golf

Richmond Hill Park

Golf Course

The Asheville Municipal Golf Course

Gyms

Montford Complex
Shiloh Center
Stephens-Lee Center
W.C. Reid Center

Lawn Bowling

Carrier Park

Velodrome

Carrier Park

Volleyball

Carrier Park
Jake Rusher Park
Recreation Park

Skate Park

ORDINANCE NO. 4252

AN ORDINANCE AMENDING ARTICLE II, DIVISION 1, SECTIONS 24 AND 25 OF APPENDIX C OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

Section 1: That Article II, Division I, Section 25 (b) of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Thirty miles per hour, City system) be amended to remove the following roads:

Fairview Road between Sweeten Creek Road and Fairview Street.

Westwood Place between Waynesville Avenue and Millbrook Road.

Section 2: That Article II, Division I, Section 23 (b) of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Twenty miles per hour, City system) be amended to include:

Mount Vernon Place from Mount Vernon Circle to Lakeshore Drive.

Prospect Street from Salem Avenue to Lee Avenue.

Salem Avenue from Chatham Road to Prospect Street.

Westhaven Drive from NC 694 Town Mountain Road to Crowningway Drive.

Section 2: That Article II, Division I, Section 24 (b) of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Twenty-five miles per hour, City system) be amended to include:

Allen Avenue from US 25 Hendersonville Road to the end of City maintenance.

Atkins Street from US 25 Hendersonville Road to the end of City maintenance.

Beaverbrook Road from Windsor Road to the end of City maintenance.

Bell Road from SR 2236 New Haw Creek Road to Munn Drive.

Chapel Park Place from West Chapel Road to Bostic Place.

Country Meadows Drive from NC 112 Sardis Road to end of City maintenance.

Fairview Road from US 25A Sweeten Creek Road to Bleachery BLVD.

Gibson Road from Wild Cherry Road to end of City maintenance.

High Meadow Road from Brooklyn Road to end of City maintenance.

Midland Drive from US 25 Merrimon Avenue to US 25 Merrimon Avenue.

Oteen Park Place from US 70 Tunnel Road to end of City maintenance.

Pinedale Road from Bull Mountain Road to end of City maintenance.

Success Avenue from Wamboldt Avenue to Euclid BLVD.

Vance Gap Road from NC 694 Town Mountain Road to end of City maintenance.

Waters Road from Old Haw Creek Road to Rocking Porch Road.

Westwood Place from Waynesville Avenue to Millbrook Road.

Section 3: That all Ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed.

Section 4: That this Ordinance shall be in full force and effect upon adoption by the City of Asheville and the erection of signs giving notice of the authorized speed limit.

Read, approved and adopted this 10th day of December, 2013.

Magdalen Bullerson
CITY CLERK

MAYOR

Approved as to form:

Martha McKibbon
CITY ATTORNEY

Magdalen Bullerson
City Clerk

ORDINANCE NO. 4253

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 10th day of December, 2013.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

Martha W McMahon
City Attorney

PURPOSE: Emergency Solutions Grant

Magdalen Burleson
City Clerk

City of Asheville Budget Amendment Details

1. Effective Date: 12/10/2013

2. Fiscal Year: 2013-14

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

4. Requesting Department	5. Today's Date	6. Preparer's Name
Comm Dev		

7. Comments/Purpose: Emergency Solutions Grant Agency Funding 2013-14

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Restrictd Intergv State Grants			$0	
22004207:435000:D1402	$0	$0	$57,475	$57,475
			$0	
Expenditures:			$0	
Contingencies			$0	
22004207:528013:D1402	$0	$0	$7,475	$7,475
Awarded Grants-HPMT			$0	
22004209:527101:D1402	$0	$0	$26,559	$26,559
Awarded Grants-Salvation Army			$0	
22004243:527101:D1402	$0	$0	$23,441	$23,441
Revenue:			$0	
Restrictd Intergv State Grants			$0	
22004207:435000:D1403	$0	$0	$101,772	$101,772
			$0	
Expenditures:			$0	
Awarded Grants- HB			$0	
22004213:527101:D1403	$0	$0	$76,577	$76,577
Awarded Grants-ABCCM			$0	

22004231:527101:D1403	$0	$0	$25,195	$25,195
			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

BUDREVIS.XLS

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ORDINANCE NO. 4254

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 10th day of December, 2013.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

Martha W. McMahon
City Attorney

PURPOSE: RFQ Process Exemption Request for Construction Management Services for the Eagle Market Place Project.

Magdalen Bulleson
City Clerk

City of Asheville
Budget Amendment Details

1. Effective Date: 12/10/2013
2. Fiscal Year: 2013-14

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

City Manager Office | 5. Today's Date | 6. Preparer's Name
4. Requesting Department

7. Comments/Purpose: RFQ Process Exemption Request for Construction Management Services for the Eagle Market Place Project. (E1403)

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Installment Purch Proceed			$0	
41000070:492000:E1403	$0	$0	$49,500	$49,500
			$0	
Expenditures:			$0	
Contracted Services			$0	
41000070:521001:E1403	$0	$0	$49,500	$49,500
			$0	
	$0	$0	$0	
			$0	
	$0	$0	$0	
			$0	
			$0	
	$0	$0	$0	
			$0	
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			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:
By:
Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

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ORDINANCE NO. 4255

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

Read, approved, and adopted this 10th day of December, 2013

Magdalen Bullington
CITY CLERK

MAYOR

APPROVED AS TO FORM:

Martha McKibbon
CITY ATTORNEY

PURPOSE: LED Street Lights Phase IV

Magdalen Bullington
City Clerk

City of Asheville
Budget Amendment Details

1. Effective Date: 12/10/2013
2. Fiscal Year: 2013-14

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

Sustainability Division | 11/25/2013 | 6. Preparer's Name
4. Requesting Department | 5. Today's Date

7. Comments/Purpose: Budget Amendment for Purchasing Phase IV - LED Streetlights

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Installment Purch Proceed			$0	
41000016:492000:G1201	$2,432,333	$745,549	$3,007,383	$575,000
			$0	
Expenditures:			$0	
Supplies - Other			$0	
41000232:524001:G1201	$2,022,979	$331,931	$2,597,979	$575,000
			$0	
			$0	
			$0

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ORDINANCE NO. 4256

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this December 10, 2013

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

Martha McKibbon
City Attorney

PURPOSE: This Budget Amendment is to (1) increase the budget for Senior Opportunity Center by $3,893; and (2) increase the budget for the Harvest House by $3,898, to make improvements and purchase equipment as a result of an allocation from the Senior Center General Purpose Funding from the North Carolina Department of Health and Human Services, Division on Aging and the Land of Sky Regional Council/Area Agency on Aging.

Magdalen Bullock
City Clerk

City of Asheville
Budget Amendment

1. Effective Date: 12/10/2013
2. Fiscal Year: 2013-14

3. Amendment to Operating __X__ and/or Capital Project ____ appropriation.

4. Requesting Department	5. Today's Date	6. Department Head Signature
Parks and Recreation	11/20/2013	

7. Comments/Purpose:	Establish budgets due to an appropriation from the State of North Carolina, Department of Health and Human Services, Division on Aging and the Land of Sky Regional Council / Area Agency on Aging, through the Senior Center General P Purpose Funding 2013/2014 for the Senior Opportunity Center and the Harvest House.

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
REVENUE *(Senior Opportunity 2014)*				
Senior General Purpose Funding				
11008324-436000	0.00	$0.00	$3,893.00	$3,893.00
EXPENDITURE *(Senior Opportunity 2014)*				
Contracted Services			$1,000.00	$1,000.00
11008324-521001	0.00	$0.00		
Supplies - Other				
11008324-524001	0.00	$0.00	$2,893.00	$2,893.00
REVENUE *(Harvest House 2014)*				
Senior General Purpose Funding				
11008323-436000	0.00	$0.00	$3,893.00	$3,893.00
EXPENDITURE *(Harvest House 2014)*				
Supplies - Other				
11008323-524001	0.00	$0.00	$3,893.00	$3,893.00
			13. Balance of Transaction:	

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

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ORDINANCE NO. 4257

ORDINANCE GRANTING CONDITIONAL USE PERMIT FOR 197 SOUTH FRENCH BROAD AVENUE (ASHEVILLE MIDDLE SCHOOL)

WHEREAS, the City has the authority pursuant to N. C. Gen. Stat. 160A-381 to issue conditional use permits; and

WHEREAS, the City Council has conducted a public hearing on December 10, 2013, to consider the application of Chris Day, for a Conditional Use Permit for construction of a new Asheville Middle school facility consisting of a 3-story (48 feet in height), 174,695 square feet building and upgraded site improvements, and has determined that said permit should be issued;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE AS FOLLOWS:

Section 1. That the Order attached hereto as Exhibit A, setting forth findings and conclusions, is hereby adopted, and the Conditional Use Permit is issued as set forth therein.

Section 2. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 3. That if any section, subsection, clause or phrase of this ordinance is for any reason held to be invalid, then the entire ordinance shall likewise be invalid, and subject to modification or re-adoption as provided by law.

Section 4. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted this 10th day of December, 2013.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

Exhibit A

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

CITY OF ASHEVILLE
CITY COUNCIL
File No. 13 CUP _____

In the matter of: Conditional Use Permit for property at 197 South French Broad Ave. (Asheville Middle School)	)	ORDER ISSUING CONDITIONAL USE PERMIT

This matter coming on for public hearing before the Asheville City Council at its December 10, 2013 regular meeting upon an application (herein "Application") by Chris Day, (herein "Applicant") for a Conditional Use Permit to demolish the existing school building and construct a new facility with upgraded site improvements for the Asheville Middle School (herein "Project"), located on a 25.97-acre parcel located at 197 South French Broad Street (herein "Subject Property"), and based on the information presented at the public hearings, the City Council makes the following findings and conclusions, and enters the following order:

FINDINGS

1. The public hearing held on December 10, 2013, was advertised on November 29, 2013, and December 6, 2013. The Subject Property was posted with signs, and notices were mailed to adjacent property owners. There were no objections based on a lack of notice.

2. The Subject Property consists of a 25.97 acre parcel located at 197 South French Broad Street. The Subject Property is identified by Buncombe County parcel identification number (PIN) 9648.17-2323.

3. The Subject Property is split-zoned Institutional and RM-8 and is the current location of the Asheville Middle School. The site is bordered by CI to the west, Office and RS-8 to the east, Institutional (YWCA) and RM-8 to the north and CI and RS-8 to the south.

4. A conditional use permit is required because the Project is considered a Level III review pursuant to Section 7-5-9(a) of the UDO which designates review for institutional uses of over 100,000 square feet. Level III projects are reviewed as Conditional Use Permits in the Institutional District and schools are reviewed as a Use by Right, Subject to Special Requirements in residential districts.

5. The Applicant proposes to demolish the existing school building and construct a new facility with upgraded site improvements (students will remain in the existing building until the new facility is complete). Plans show a 3-story (48 feet in height), 174,695 square foot building with 67 classrooms, located towards the southern end of the site and parking and open space towards the northern end. Existing uses on the rear of the site are not expected to change (track, football/soccer field, baseball diamond, open space).

6. Vehicles will access the site from five locations. One access point is via Charles Street which is proposed to become one-way (into the site) south of Timothy Street. The other four access points are all along South French Broad Avenue, starting at the northern end with an entrance-only, two-lane loop that provides a drop-off in front of the school building and access to the parking lot, connecting back to the roadway as an exit-only opening to complete the loop. The third and fourth driveways provide a second "loop" for bus drop-off and access to the bus parking.

7. The Project will also include 10 foot wide sidewalks along the entire frontage of the property along South French Broad Avenue and a 6 foot sidewalk along Charles Street.

8. There are two surface parking areas proposed for this project. The first is towards the front of the building and includes 106 spaces. The second parking area is to the side of the building and provides bus parking (six spaces) and an additional 28 car spaces. There are a total of 134 car spaces shown on the site. Bicycle parking is required and provided.

9. Landscaping is required for this Project and includes street trees, parking lot landscaping, building impact landscaping and property line buffer in two locations. There is significant existing vegetation on the site that is proposed to remain, primarily along the rear of the site by the sports fields. 15 percent of the total lot area is required to be dedicated as open space, which would be 3.89 acres for this site. Significantly more than the minimum is provided, with 9.64 acres designated on the plans and more area left open on the site but not included in the calculation.

10. The conceptual plans for the Project, including site plans and elevations, are incorporated into these findings by reference.

11. The Project is a redevelopment, and utility service already exists in sufficient supply. The Subject Property is accessible by service and energy vehicles. The proposal was approved with conditions by the Technical Review Committee on October 21, 2013. The report of the Technical Review Committee is incorporated by reference.

Based on the findings set forth above, the City Council makes the following jurisdictional conclusions and conditional use determinations:

JURISDICTIONAL CONCLUSIONS

1. Notice of the public hearings on this matter were provided as required by statute and ordinance, and this matter is properly before the City Council.

2. This application is being reviewed as a Level III conditional use pursuant to UDO Sections 7-5-9 (a), 7-5-5, and 7-16-2(b)(2).

CONDITIONAL USE DETERMINATIONS

If the Project is developed in accordance with the approved conceptual site plan, as amended, and elevation drawings, made a part hereof, and in accordance with the conditions set forth below, the Project will satisfy the standards for conditional uses specified in City Code Sec. 7-16-2(c), and set out below. Council's determination is based on all the facts found above, and summarized below following each standard.

1. **That the proposed use or development of the land will not materially endanger the public health or safety.**

The proposed Project meets all public health and safety related requirements. The Project must meet the technical standards set forth in the UDO, the Standards and Specifications Manual, the North Carolina Building Code and other applicable laws and standards that protect the public health and safety.

2. **That the proposed use or development of the land is reasonably compatible with significant natural or topographic features on the site and within the immediate vicinity of the site given the proposed site design and any mitigation techniques or measures proposed by the applicant.**

The proposed use and development of the land is compatible with the natural and topographic features on the site in that the area intended for construction of the new middle school facility is previously graded (where the old baseball field and basketball courts are currently located) and the new parking area will be on the previous school site. The bulk of the project area will remain unchanged. The area for construction is flat and where there are a few locations around the perimeter of the project area with topographic challenge, they will be appropriately managed with retaining walls.

3. **That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property.**

The parcel containing the Asheville Middle School is quite large (over 25 acres) and the school use has long been established in this location. Schools are a complementary use to have in proximity to residential neighborhoods and should enhance the value of these abutting properties. The adjacent YWCA and small offices in residential conversions are also compatible with this type of development and are not expected to see a decline in value.

4. **That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located.**

The new Middle School will be located towards the previously developed southeastern end of this large parcel. As mentioned in #3, this is an appropriate location for an educational use and this use has been established on the site for some time. The new school building is approximately 40,000 square feet larger and one-story taller than the existing building.

5. **That the proposed use or development of the land will generally conform to the comprehensive plan, smart growth policies, sustainable economic development strategic plan and other official plans adopted by the City.**

Elements of the project are directly aligned with the City's goals and objectives including infill development, investment in the public school system, enhancement of the residential community and supporting a high quality of life for Asheville residents. The project is also aligned with separate Clingman Forest Greenway discussions occurring separately.

6. **That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities.**

This proposed development is located near major road facilities and interstate connections. In addition, the project has been reviewed by the Technical Review Committee who found that existing infrastructure appears adequate and preliminary review has not revealed any problems for future service to the development. The site is located along the S4 transit route and the proposed Clingman Forest Greenway is adjacent to the site.

7. **That the proposed use will not cause undue traffic congestion or create a traffic hazard.**

There was no TIS required for this project. The traffic control plans for the project have been reviewed. Based on the plans that were presented, the proposed use should not cause undue traffic congestion or create a traffic hazard. The proposed configuration on the AMS campus should be a positive change to traffic congestion issues along South French Broad Avenue.

On the basis of the above findings and conclusions, the Asheville City Council grants the application for a Conditional Use Permit for the Project, subject to the following conditions:

1. The Project shall comply with all conditions identified by the Technical Review Committee and shall undergo final review by the TRC prior to the issuance of any site development permits.

2. All site lighting shall comply with the City's Lighting Ordinance, Section 7-11-10 of the UDO. A detailed lighting plan illustrating compliance with this ordinance, will be required upon submittal of detailed plans to be reviewed by the Technical Review Committee.

3. All existing vegetation to remain shall be clearly indicated and dimensioned on the site, landscape and grading plans.

4. The building design, construction materials and orientation on-site must comply with the conceptual site plan and building elevations presented with this application. Any deviation from these plans may result in reconsideration of the project by the reviewing boards.

5. The applicant will continue to work closely with City staff to provide connections into the site, where feasible and appropriate, from the proposed Clingman Forest Greenway.

5. These conditions shall be binding on the Applicant, and any successors in interest.

Read, approved and adopted this the 10th day of December, 2013.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

ORDINANCE NO. 4258

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED OFF OF TAFT AVENUE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. The development provides ten new affordable single-family home lots.
b. The development meets City goals concerning infill and the provision of affordable housing.
c. The development abuts an established community of single-family homes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PINs 9657.02-1055, 9657.02-1322, and 9647.92-9006 from RS4 (Residential Single-Family Medium Density) District to RS8 CZ (Residential Single-Family High Density Conditional Zoning) district. A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B", attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 10th day of December, 2013.

Magdalen Bullerson
City Clerk

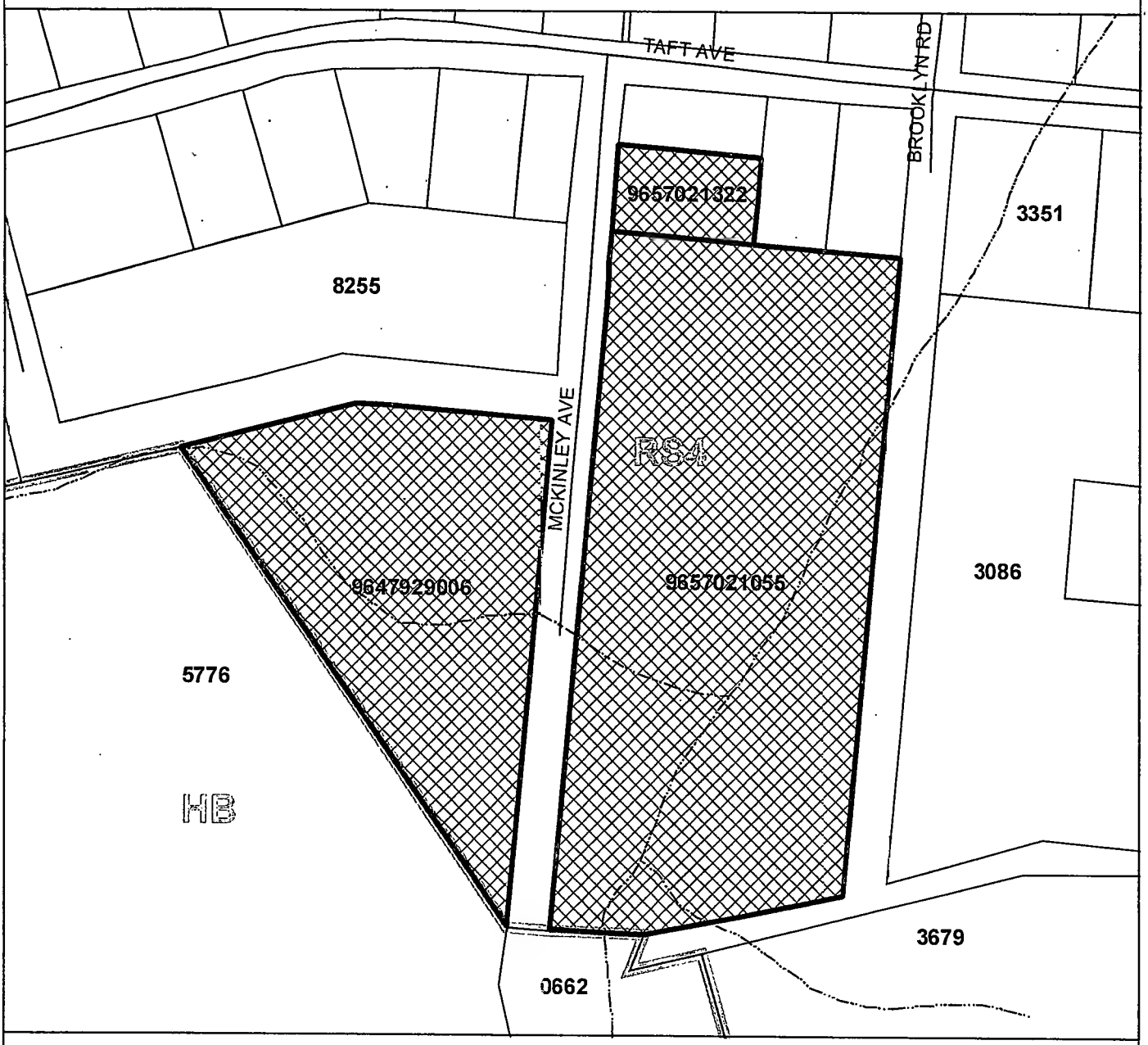
Mayor

Approved as to form:

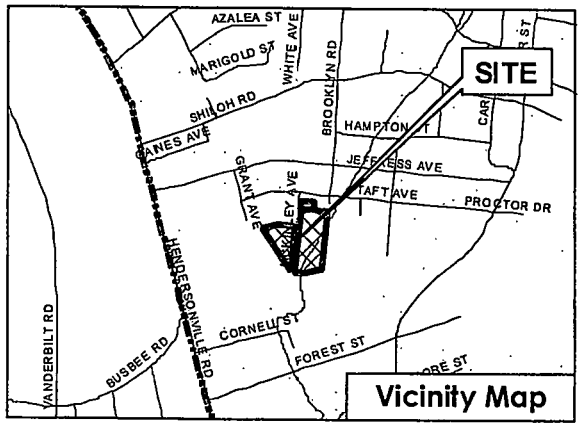
City Attorney

Magdalen Bullerson
City Clerk

City of Asheville - Exhibit A Map
CZ - Taft Avenue Subdivision



Project Name:	Taft Avenue Subdivision
Project Number:	13-51-010
Project Description:	10 single family lots, homes
Petitioner(s):	Habitat for Humanity
Parcel ID Number(s):	9657-02-1055, 9647-92-9006, 9657-02-1322
Location/Address:	Taft Avenue



Project Site | Parcels | Zoning Districts | Asheville City Limits | Streets | Streams

City of Asheville Planning and Development Department - October 2013

EXHIBIT B
CONDITIONS

1. The project shall comply with all conditions outlined in the TRC staff report.
2. This project will undergo final review by the TRC prior to the issuance of any site development permits.
3. All site lighting must comply with the City's Lighting Ordinance, Section 7-11-10, of the Unified Development Ordinance. A detailed lighting plan illustrated compliance with the ordinance will be required upon submittal of detailed plans to be reviewed by the Technical Review Committee.
4. All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape, utility and grading plans.
5. The building design, construction materials and orientation on site must comply with the conceptual site plan and the building elevations presented with this application. Any deviation from these plans may result in reconsideration of the project by the reviewing boards.
6. This Project will undergo final review by the TRC prior to issuance of any required permits.

ORDINANCE NO. 4259

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended to the budget amendment forms attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved, and adopted this 14th day of January 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: To setup the project budget to relocate and get ready for use a 6,000 gallon above ground fuel storage tank.

Magdalen Burleson
City Clerk

405

City of Asheville

Budget Amendment Details

1. Effective Date: 1/14/2014

2. Fiscal Year: 2013-14

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

4. Requesting Department	5. Today's Date	6. Preparer's Name
Transportation		

7. Comments/Purpose: Above Ground Fuel Storage Tank

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Oper Transfers from General Fd			$0	
41000131:498100:A0901			$75,000	$75,000
			$0	
Expenditures:			$0	
Transfer to Transit Op Fd			$0	
41090131:800650:A0901			$75,000	$75,000
			$0	
			$0	
			$0	
Revenue:			$0	
Transfer from Gen Capital Fd			$0	
65090951:498401			$75,000	$75,000
			$0	
Expenditures:			$0	
Machinery and Equipment			$0	
65000951:614101			$75,000	$75,000
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

ORDINANCE NO. 4260

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended to the budget amendment forms attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved, and adopted this 14th day of January 2014.

Magdalen Bowlerson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: HUD Continuum of Care funding

Magdalen Bowlerson
City Clerk

407

City of Asheville

Budget Amendment

1. Effective Date:

2. Fiscal Year: 2013-2014

3. Amendment to Operating _X_ and/or Capital Project __ appropriation.

4. Requesting Department | 5. Today's Date | 6. Department Head Signature

7. Comments/Purpose:Funds to Administer the Continuum of Care HUD Grant

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
REVENUE			$0	
22004207:435000:D1404	$0	$0.00	$13,180	$13,180
			$0	
EXPENDITURE			$0	
22004207:528013:D1404	$0	$0.00	$13,180	$13,180

13. Balance of Transaction: $26,360.00

14. Information below is to be completed by Budget AND Research and City Clerk's office.

15. Budget & Research Approval:

16. Ordinance Number:

17. Date Received in Budget & Research:

18. Date Sent to City Clerk:

Must be received by Budget & Research 14 days prior to the City Council Meeting

16. Date Posted:

By:

Sheet #:

ORDINANCE NO. 4261

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 14th day of January, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Technical budget amendment in each of the City's annual operating funds to appropriate from reserved fund balance the required budget authorization for prior year contracts, purchase orders, and other carry-over appropriations that rolled forward to FY 2013-14.

Magdalen Burleson
City Clerk

409

City of Asheville

Budget Amendment Details

1. Effective Date:

2. Fiscal Year: 2013-14

3. Amendment to Operating _x___ and/or Capital Project ___ appropriation.

Finance | 4. Requesting Department | 5. Today's Date | 6. Preparer's Name

7. Comments/Purpose: To amend budget for encumbrances at 06/30/2013 and carry-over appropiations, representing prior comitments.

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Approp Fund Bal Res for Enc			$0	
11000010:499101	$0	$0	$2,779,024	2,779,023.87
Approp Fund Bal Res for Enc			$0	
61000911:499101	$0	$0	$448,455	448,454.54
Approp Fund Bal Res for Enc			$0	
62000220:499101	$0	$0	$145,564	145,564.07
Approp Fund Bal Res for Enc			$0	
62400320:499101	$0	$0	$233,158	233,157.50
Approp Fund Bal Res for Enc			$0	
62600900:499101	$0	$0	$31,532	31,532.01
Approp Fund Bal Res for Enc			$0	
65000951:499101	$0	$0	$29,941	29,940.92
Approp Fund Bal Res for Enc			$0	
81100043:499101	$0	$0	$208,960	208,960.07
Approp Fund Bal Res for Enc			$0	
81300038:499101	$0	$0	$116	116.20
			$0	
			$0	
Expenditures:			$0	
Various Accouts			$0	
11000010:52XXXX	$0	$0	$2,779,024	2,779,023.87
Various Accouts			$0	
61000911:52XXXX	$0	$0	$448,455	448,454.54
Various Accouts			$0	
62000220:52XXXX	$0	$0	$145,564	145,564.07
Various Accouts			$0	
62400320:52XXXX	$0	$0	$233,158	233,157.50
Various Accouts			$0	
62600900:52XXXX	$0	$0	$31,532	31,532.01
Various Accouts			$0	
65000951:52XXXX	$0	$0	$29,941	29,940.92
Various Accouts			$0	
81100043:52XXXX	$0	$0	$208,960	208,960.07
Various Accouts			$0	
81300038:52XXXX	$0	$0	$116	116.20
			$0	
	$0	$0	$0	

13. Balance of Transaction: (0.00)

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

ORDINANCE NO. 4262

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 14th day of January, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

Martha McMahon
City Attorney

PURPOSE: Budget amendment to transfer budget in the amount of $16,800 from 41000802 R0802 to 41000802 R1202 for the cost to develop the terrazzo floor artwork in the US Cellular Center.

Magdalen Burleson
City Clerk

411

City of Asheville
Budget Amendment

1. Effective Date: 1/14/2014
2. Fiscal Year: 2013-2014

3. Amendment to Operating ____ and/or Capital Project __X__ appropriation.

Parks & Recreation | 12/30/2013
4. Requesting Department | 5. Today's Date | 6. Department Head Signature

7. Comments/Purpose: Technical budget amendment for public art:
US Cellular Center terrazzo floor artwork

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Open transfer from GF				
41090802: 498100: R0802	40,000.00	$40,000.00	$23,200.00	($16,800.00)
Contracted Services				
41000802: 521001: R0802	37,063.00	($25,657.00)	$20,263.00	($16,800.00)
Open transfer from GF				
41090802: 498100: R1202	143,421.00	$23,903.00	$160,221.00	$16,800.00
Contracted Services				
41000802: 521001: R1202	0.00	$0.00	$16,800.00	$16,800.00

ORDINANCE NO. 4263

ORDINANCE AMENDING CHAPTER 7-3-10 and CHAPTER 7-5-18 OF THE CODE OF ORDINANCES CONCERNING THE RIVER DISTRICT DESIGN REVIEW COMMITTEE AND RIVER DISTRICT DESIGN REVIEW

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes to adopt zoning and development regulations and to amend said regulations from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the City Council has the authority pursuant to NCGS 160A-146 to create and change boards, commissions, and agencies of City government; and

WHEREAS, the City Council of the City of Asheville recognizes that the public welfare and interest of the City continues to best be served by a regional partnership that supports the sustainability and continued development of the Riverfront District; and

WHEREAS, Chapter 2, Article III, Division 13 of the City Code provides for the existence of the Asheville Area Riverfront Redevelopment Commission ("AARRC") which has the primary purpose of developing and recommending comprehensive development and policy strategies for the Riverfront and River Area districts; and

WHEREAS, Chapter 7 (the Unified Development Ordinance), Article III of the City Code currently provides for a River District Design Review Committee ("RDDRC"), a separate body from the AARRC, with a similar purpose of AARRC, and the duty to review projects within the River District; and

WHEREAS, it has been determined by the AARRC and the RDDRC that in order to better provide for a more streamlined review process that promotes the continued sustainability and development of the riverfront area, that the RDDRC should be dissolved and that the function of river district design review be reassigned to the AARRC and recommends that City Council takes action to accomplish this; and

WHEREAS, City Council agrees with the recommendation of the AARRC and the RDDRC and hereby desires to amend the UDO in order to streamline the development review process for the River District;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Article III (Decision Making, Advisory and Decision Making Bodies) of Chapter 7 of the Code of Ordinances of the City of Asheville "River District Design Review Committee" is hereby amended as follows:

Sec. 7-3-10. Asheville Area Riverfront Redevelopment Commission

(a)

Powers and duties. The City's Asheville Area Riverfront Redevelopment Commission shall have the powers and duties as set forth in Division 13 of article III of Chapter 2 of the Code of Ordinances of the City of Asheville. In

addition, for purposes of this chapter, the Asheville Area Riverfront Redevelopment Commission shall have the following powers and duties:

(1)To review and make comment on major works projects within the River District Design Review Map Area which includes River District zoned parcels as well as parcels of other zoning classifications within the riverfront area, in accordance with the River District Design Review Guidelines. A map and guidelines document shall be adopted by the city council and shall be made available to the public through the Development Services Center; and

(2) Such additional powers and duties as may be set forth for the ~~river~~ Asheville Area Riverfront Redevelopment Commission elsewhere in this chapter and other regulations of the city.

Membership; terms; vacancies.

The Asheville Area Riverfront Redevelopment Commission shall follow the membership requirements set forth by City Council in Division 13 of article III of Chapter 2 of the Code of Ordinances of the City of Asheville.

(c)

Meetings.

(1)

The City's Asheville Area Riverfront Redevelopment Commission shall hold meetings as needed to review requests for river district design review/major works projects in the River District Design Review Area.

(2)

Meetings shall be scheduled at a time agreed upon by the committee, the staff member in charge of coordinating river district design review, and the person(s) presenting the request for river district design review of a major works project.

(d)

Rules and Records. The Asheville Area Riverfront Redevelopment Commission shall follow procedures for review as outlined in section 7-5-18 of this chapter, and may adopt its own rules and procedures, including the requirements of this chapter. The staff member in charge of coordinating river district design review shall record relevant notes from the meetings

Section 2. Article V (Development Review Procedures) of Chapter 7 of the Code of Ordinances of the City of Asheville "River District Design Review" is hereby amended as follows:

Sec. 7-5-18. River district design review.

(a)

Minor works.

(1)

Purpose. River district design review/ minor works review for compliance with the River District Design Review Guidelines is required for projects located within the River District Design Review Area for which the visual character of the structure or grounds is not substantially changed. Renovation, rehabilitation, and construction that promotes visual harmony, enhances the historical integrity of the riverfront area, and recognizes the environmental constraints of developing along the river is encouraged by the review procedure.

Landscaping, signage, site design, small additions to existing buildings, minor exterior rehabilitation and repair shall be considered minor works. In addition, all construction work requiring a building sign, zoning, or demolition permit and all variance requests must be reviewed for compliance with the River District Design Review Guidelines.

(2)

Pre-application conference. A pre-application conference is required prior to conducting work within the river district design review area. Applicants should call or visit the Development Services Center staff prior to making application to discuss proposed design changes and to determine what information is required for the application.

(3) *Application submittal.*

a.

Filing of application. An application and guidelines for minor works review may be obtained from the Development Services Center staff, who will also provide the applicant with the name and contact of the staff member in charge of coordinating river district design review.

When completed, the application, required drawings, and specifications shall be submitted to the Development Services Center staff.

Applicants are encouraged to apply for river district design review/ minor works review at the design phase of the project.

b.

Fees. No fees are charged for the river district design review/minor works review and permitting process.

c.

Information required. Each application for river district design review/ minor works review shall include the information described in Appendix B (Checklists for Applications) of the River District Design Review Guidelines. A site plan, prepared in accordance with Appendix A (Map and Plan Standards) of the River District Design Review Guidelines

shall be required for all projects involving additions, expansions, and/or landscaping.

(4)

Staff review. The staff member in charge of coordinating river district design review shall review the application and meet with the applicant, preferably at the site of the proposed work, within ten working days of receipt of the application. Immediately following the review of the application, the river district design review/minor works review application will be processed by the Development Services Center staff.

(5)

Public notification. No public notification is required for the river district design review/minor works review.

(6)

Formal review. No formal review of river district design review/minor works review is required by an administrative board or commission of the City of Asheville.

(7)

Variances. No variance from other city regulations shall be heard by the board of adjustment until the proposed project has completed river district design review/minor works review.

(8)

Appeals. The river district design review/minor works review process has been designated by the Asheville City Council as a mandatory review and voluntary compliance program. Applicants are strongly encouraged to implement their plans for activities within the river district design review area in accordance with the adopted guidelines.

(b)

Major works.

(1)

Purpose. River district design review/ major works review for compliance with the River District Design Review Guidelines is required for those projects within the River District Design Review Area which involve a substantial change in the appearance of a building or structure or landscape. Major works also include: the demolition of a building or structure; relocation of a building or structure; new construction over 1,500 square feet in size (excluding accessory structures and additions to a building primarily occupied by mechanical, electrical, and communications equipment); rehabilitation where the exterior of the structure has been substantially altered; and substantial changes to signage, landscaping, site design, and exterior illumination of said new construction and rehabilitation.

The review procedure seeks to encourage rehabilitation and new construction in a manner that will promote visual harmony, enhance and historical integrity of the river district, and recognize the environmental constraints of developing along the river.

Major works review requests shall be reviewed by the Asheville Area Riverfront Redevelopment Commission. A recommendation regarding the major works review request shall be provided by the staff member in charge of coordinating the river district design review.

(2) *Pre-application conference.* A pre-application conference is required prior to conducting work within the river district design review area. Applicants should call or visit the Development Services Center staff prior to making application to discuss the project proposal and to determine what level of information is required for submittals.

(3)*Application submittal.*

a. *Filing of application.* An application for river district design review/ major works review shall be obtained from Development Service Center staff, who will also provide the applicant with the name and contact of the staff member in charge of coordinating river district design review. When completed, the application, required drawings, and specifications shall be filed with the Development Service Center staff to begin the review process and scheduling for formal review by the Asheville Area Riverfront Redevelopment Commission.

Applicants are strongly encouraged to apply for river district design review/major works review at the design phase of the project.

b.

Fees. No fees are charged for the river district design review/major works review and permitting process.

c.

Information required. Each application for river district design review/major works review shall include the information described in Appendix B (Checklists for Applications) of the River District Design Review Guidelines. A site plan, prepared in accordance with Appendix A (Map and Plan Standards) of the River District Design Review Guidelines, shall be required for all river district design review/major works review.

(4)

Staff review. The staff member in charge of coordinating river district design review shall review the application and shall meet with the applicant at the site of the proposed work, within ten

working days of receipt of the application. Immediately following the review of the application, staff will schedule a formal review of the application by the Asheville Area Riverfront Redevelopment Commission within 30 days of receipt of the application.

(5)

Public notification. No public notification is required for river district design review/major works review.

(6)

Formal review. The Asheville Area Riverfront Redevelopment Commission will meet as needed to review major works proposed within the designated river district design review area. Applicants are encouraged to prepare a presentation to be given at this review. No city permits can be processed or variances heard until this formal review with the committee is completed.

(7)

Variances. No variance from other city regulations shall be heard by the board of adjustment until the proposed project has completed river district design review/major works review.

(8)

Appeals. The river district design review/major works review process has been designated by the Asheville City Council as a mandatory review and voluntary compliance program. Applicants are strongly encouraged to implement their plans for such activities within the river district design review area in accordance with the adopted guidelines.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted this 14th day of January, 2014.

Magdalen Bowlerson
City Clerk

Mayor

Approved as to form:

Martha McMahon
City Attorney

Magdalen Bowlerson
City Clerk

ORDINANCE NO. 4264

ORDINANCE AMENDING SECTION 2-185.20 OF THE CODE OF ORDINANCES REGARDING THE ASHEVILLE RIVERFRONT REDEVELOPMENT COMMISSION

WHEREAS, the City Council of the City of Asheville recognizes that the public welfare and interest of the City continues to best be served by a regional partnership that supports the sustainability and continued development of the Riverfront District; and

WHEREAS, the City Council has the authority pursuant to NCGS 160A-146 to create and change boards, commissions, and agencies of City government; and

WHEREAS, Chapter 2, Article III, Division 13 of the City Code provides for the existence of the Asheville Area Riverfront Redevelopment Commission ("AARRC") which has the primary purpose of developing and recommending comprehensive development and policy strategies for the Riverfront and River Area districts; and

WHEREAS, Chapter 7 (the Unified Development Ordinance), Article III of the City Code currently provides for a River District Design Review Committee ("RDDRC"), a separate body from the AARRC, with a similar purpose of AARRC, and the duty to review projects within the River District; and

WHEREAS, it has been determined by the AARRC and the RDDRC that in order to better provide for a more streamlined review process that promotes the continued sustainability and development of the riverfront area, that the RDDRC should be dissolved and that the function of river district design review be reassigned to the AARRC and recommends that City Council takes action to accomplish this; and

WHEREAS, City Council desires the riverfront partnership to be comprehensive and streamlined in nature;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Article III of Chapter 2 Division 13, of the Code of Ordinances of the City of Asheville "Asheville Riverfront Redevelopment Commission" is hereby amended as follows:

Sec 2-185.20
Asheville Area Riverfront Redevelopment Commission

Section One - Creation; Geography; Membership; Organization.

(A) Creation.

It is hereby declared that the public welfare and interest of the citizens of the City of Asheville and County of Buncombe, North Carolina will best be served by establishing and maintaining a commission for the sustainability and continued development of the Riverfront district, a vital area of western North Carolina's economic, cultural and visitor activity. To that end, there is hereby created and established a commission of the City to

be known as the Asheville Area Riverfront Redevelopment Commission, referred to in this document as "the commission."

(B) Definitions and Geographic Area Defined.

(1)The Riverfront district is defined as the area within the City of Asheville's corporate boundary or extraterritorial jurisdiction adjacent to the French Broad or Swannanoa Rivers, including non-adjacent yet nearby land having characteristics or features directly impacting the economic climate of the Riverfront district. This area is fluid a may change over time. The Riverfront district, especially the areas outlined in the Wilma Dykeman Riverway Master Plan, shall be the primary focus of the commission's work.

(2)The Regional Riverfront includes any similarly described land lying outside the City's jurisdictions but within Buncombe County's boundary. The Regional Riverfront shall be the general study area of the commission.

(3)The River District Design Review Area, as referenced in section 7-3-10 (a) (1) of the City's Unified Development Ordinance, is contained solely within the City of Asheville's jurisdiction, and is illustrated by the adopted River District Design Review Area Map on file with the Development Services Department of the City of Asheville

(C) Membership.

(1) Composition

The commission shall consist of 14 voting members appointed by various community boards. Each appointing board shall ensure that at least one half of their appointees are an owner of real property or an owner of a business in the Regional Riverfront; the design professional required to be appointed by the City of Asheville shall not count toward or against the City's ownership requirement. The Town of Woodfin, having only one appointee, is exempted from the ownership requirement. The composition of the commission will be as follows:

a. Two members appointed by the Buncombe County Board of Commissioners, with one being a County Commissioner;
b. Five members appointed by the City Council, with one being a Council member; and one being a design professional who shall serve as Chairperson of the Planning and Design Review subcommittee, a standing body created and operated under the commission's adopted bylaws
c. Two members appointed by the Asheville Area Chamber of Commerce;
d. Two members appointed by RiverLink;
e. Two members appointed by the Council of Independent Business Owners;
f. One member appointed by the Woodfin Board of Alderman.

(2) Representation and Appointment Process

Appointed members shall represent various segments of the Regional Riverfront community such as, but not limited to, property owners, merchants, residents, businesses and institutions, landscape architects, civil engineers or related specialties; and shall have a willingness to participate actively in commission efforts; and shall possess expertise and interest in the sustainability and development of the Riverfront district. The process used to make appointments to the Commission is at the discretion of the appointing boards.

(3) Removal

Members of the Commission shall be removed at the discretion of their appointing board. Appointing boards shall follow the City of Asheville's attendance standard as grounds for removal.

(4) Terms of Office

Members of the commission shall serve staggered, three-year terms, with the exception of the City Council member and County Commission member, each of whom will serve according to the length of their respective terms of office (ex-officio with voting privileges).

Members are eligible to serve up to two consecutive terms; partial (less than 3-year) terms served due to the initial, (staggered) appointment structure or to fill a vacant seat shall not count toward two full terms of service.

(D) Organization and General Operation

(1) Bylaws. The commission shall operate under bylaws adopted by their membership. The bylaws shall be reviewed on a regular basis and updated when appropriate. The commission shall clearly outline the role of the Planning and Design Review subcommittee, in the River District Design Review Process as outlined in section 7-5-18 of the UDO, in their adopted bylaws.
(2) Meetings. The commission shall adopt a regular meeting schedule. Special meetings may be called by the chairperson or, in her/his absence, by the vice-chairperson, and special meetings shall be called upon the request of a majority of the members of the commission.
c. Selection of officers. The commission shall select annually from its members a chairperson and a vice-chairperson.
(3) Attendance. The failure of any commission member to attend 75 percent or more of the meetings of the commission held during a 12-month period, without an excused absence being approved by the chairperson of the Commission, may be grounds for removal.
(4) Voting. A quorum shall be constituted by a simple majority of commission members, excluding vacancies. The chair or the presiding member of the commission shall vote on all matters of business considered by the commission, unless recused by a majority vote of the commission.
(5)Transaction of business. The commission shall act as a body in the transaction of all business, unless a committee or member is duly authorized by the commission for a specific purpose.
(6) Compensation. Members of the commission shall receive no compensation for their service, but shall be entitled to reimbursement for out-of-pocket expenses in connection with their official and authorized duties.
(7)Appointment of committees. The commission is authorized to appoint committees from its membership or the community at large. Committee functions shall be fixed by the commission at the time of appointment. Committees may be standing or ad hoc in nature and shall perform such duties as may be assigned by the commission.
(8)Periodic Reviews and Dissolution Procedure. Periodic reviews of the progress of the commission will occur as deemed necessary by the City Council and the County Commission. The commission may be

discharged or dissolved by a joint resolution of City Council and the County Commission.

Section Two - Purposes; Powers; Contracts

(A) Purposes.

Subject to such limitations as may be imposed by state law or by ordinance of the City and County, the commission shall be embodied for the following purposes:

(1) Recommend to the City and County an overall policy for the continued development and sustainability of the Regional Riverfront.

a. Develop and recommend to the City and County a comprehensive strategy as may be deemed appropriate for the Riverfront and Regional Riverfront districts. Conduct regular evaluations and updates for the City of Asheville comprehensive strategic plan, the Wilma Dykeman Riverway Master Plan and all other plans affecting the French Broad River and Swannanoa River areas within Buncombe County. Work toward the implementation of the City-adopted Wilma Dykeman Riverway Master Plan.
b. Recommend to the City and County appropriate land development policies for the Riverfront and Regional Riverfront districts. Conduct evaluations and updates for zoning, regulations and other policies for properties in the vicinity of both districts (including but not limited to watershed policies, floodway management and greenway acquisition).
c. Recommend to the City and County what assistance, if any, is needed from professional consultants for Riverfront and Regional Riverfront efforts.
d. Recommend and monitor implementation of planning efforts in both districts. Provide recommendations as a part of the regular project/permit review process as applicable for the benefit of City and County officials for projects in the districts.

(2) Carry out the River District Design Review powers and duties assigned to the Commission under section 7-3-10 and as outlined in section 7-5-18 of the Unified Development Ordinance.

(3) Provide recommendations to the City and the County for effective management of the public resources for the districts and actively pursue and assist private sector investment in the districts for the welfare of the citizens of the City and County.

(4) Cooperate with, evaluate, and represent the recommendations of other organizations, including, but not limited to, property owners, merchants, residents, businesses, tenants, non-profits, institutions and other members of the Riverfront and Regional Riverfront district communities.

(B) Powers.

In order to fulfill the purposes listed above, and subject to limitations as may be imposed by state law or by ordinance of the City and County, the commission shall perform those tasks necessary and convenient to carry out the purposes of the commission and public welfare, including:

(1) Develop financial tools for riverfront development.

(2) Evaluate existing plans and recommendations for riverfront development.

(3) Identify appropriate uses for the districts and identify developers/investors for development.

(4) Coordinate riverfront commercial, recreational and residential development with property owners, merchants, residents, businesses, tenants, and institutions within the riverfront district.

(5) Promote and facilitate the improvement of riverfront infrastructure, including but not limited to water, public safety, parks, parking, transportation, utilities, sidewalks, sewer, and streetscape.

(6) Promote and facilitate marketing and other programs that focus on the riverfront and meet the goals and mission statement of the commission, including:

a. Promote and facilitate a program to assist in business retention in the riverfront district.

b. Promote and facilitate a program to increase sales, visitors and awareness of the riverfront district.

c. Promote and facilitate riverfront district living.

d. Promote, facilitate and act as liaison to catalytic developments significantly affecting the riverfront areas.

(7) Assist City and County government with procuring representative community participation when plans and reports concerning the development of the riverfront districts are prepared or implemented.

(8) Make studies which further the implementation of its plans.

(9) Make recommendations to City Council regarding the map geography and text description that defines the Riverfront, Regional Riverfront, and River District Design Review Area districts.

(9) Actively encourage and pursue the participation of the public sector and private capital in implementing approved projects.

(C) Contracts.

The commission shall be authorized to enter into and to let contracts for necessary services provided to the commission in the manner provided by law for contracts, but shall not commit financial resources of either the City or County without prior approval from the funding agencies.

Section Three - Staffing; Resources

As the lead partner in the Asheville Area Riverfront Redevelopment Commission Initiative, staffing and other resources needed for the Commission will be managed by the City of Asheville. The City recognizes that the study areas for the Commission reach beyond Asheville corporate and extraterritorial boundaries; the promotion of a strong, regional, strategic partnership, including sharing the cost of staffing and resources, is required.

(A) Budget

An annual budget will be appropriated by the City of Asheville to achieve the mission and goals of the commission. Funding, in-kind services and other resources shall be provided by the strategic partners, including the City of Asheville, Buncombe County, Riverlink, Asheville Area Chamber of Commerce, The Town of Woodfin, Land-of-Sky Regional Council and private property owners.

(B) Staffing

The City of Asheville City Manager shall be responsible for providing staff support for the commission. The City Manager shall assign an appropriate staff member who shall direct and carry out the annual work program of the commission and shall serve as secretary to the commission with no voting rights.

C) Resources
Technical experts and consultants outside ordinary staff available to perform such services needed to complete the approved work program elements shall be recommended by the commission in accordance with the state and federal, state and municipal policy pertaining to such selection.

Section 4. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 5. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 6. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted this 14th day of January, 2014.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:
Martha McMahon
City Attorney

Magdalen Bowleson
City Clerk

ORDINANCE NO. 4265

ORDINANCE DISSOLVING THE RIVER DISTRICT DESIGN REVIEW COMMITTEE

WHEREAS, the City Council has the authority pursuant to NCGS 160A-146 to create and change boards, commissions, and agencies of City government; and

WHEREAS, on November 25, 1997, City Council adopted Ordinance 2437 creating the River District Design Review Committee ("RDDRC") with the primary duty of reviewing and commenting on major works projects within the River District; and

WHEREAS, on August 24, 2010, City Council adopted Ordinance No. 3886 creating the Asheville Area Riverfront Redevelopment Commission ("AARRC") in order to serve a similar, yet expanded purpose to that of the RDDRC; and

WHEREAS, on August 28, 2013, the RDDRC unanimously recommended to the AARRC and the City Council that staff pursue changes to the City Code that would dissolve the RDDRC; maintain river district design review as a development review requirement and re-assign the function of the river district review/major works review to the AARRC; and

WHEREAS, the City Council of the City of Asheville recognizes that the public welfare and interest of the public is best served by strong regional partnerships such as those demonstrated by the Asheville Area Riverfront Redevelopment Commission; and

WHEREAS, in accordance with the RDDRC recommendation, City Council desires to transfer the function of river district design review, major works to the Asheville Area Riverfront Commission in order to improve efficiency in the development review process and staffing of boards and commissions;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Riverfront District Design Review Committee ("RDDRC") is hereby dissolved, that the function of the river district design review and comment on major works projects within the River District Design Review Area be transferred to the Asheville Area Riverfront Commission, and that the Asheville City Code be amended as necessary to effect this change.

Section 2. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 3. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 4. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted this 14th day of January, 2014.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

Martha McKlohon
City Attorney

Magdalen Bourleson
City Clerk

ORDINANCE NO. 4266

ORDINANCE AMENDING ZONING FOR PROPERTY(S) LOCATED AT OR NEAR ROBINHOOD ROAD, BEAVERBROOK ROAD, AND BEAVERBROOK COURT

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. In this particular instance, RS-4 zoning can be viewed as more compatible with the surrounding zoning and development context than the currently assigned zoning district.
b. The Planning and Zoning Commission of the City of Asheville voted unanimously to recommend approval of the rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property(s) described in Exhibit A and identified on Buncombe County tax maps as that portion of PIN 9740-39-7418 in the corporate limits of the City of Asheville from RS-2 (Residential Single-Family Low Density) to RS-4 (Residential Single-Family Medium Density). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 14th day of January, 2014.

Magdalen Bulleson
City Clerk

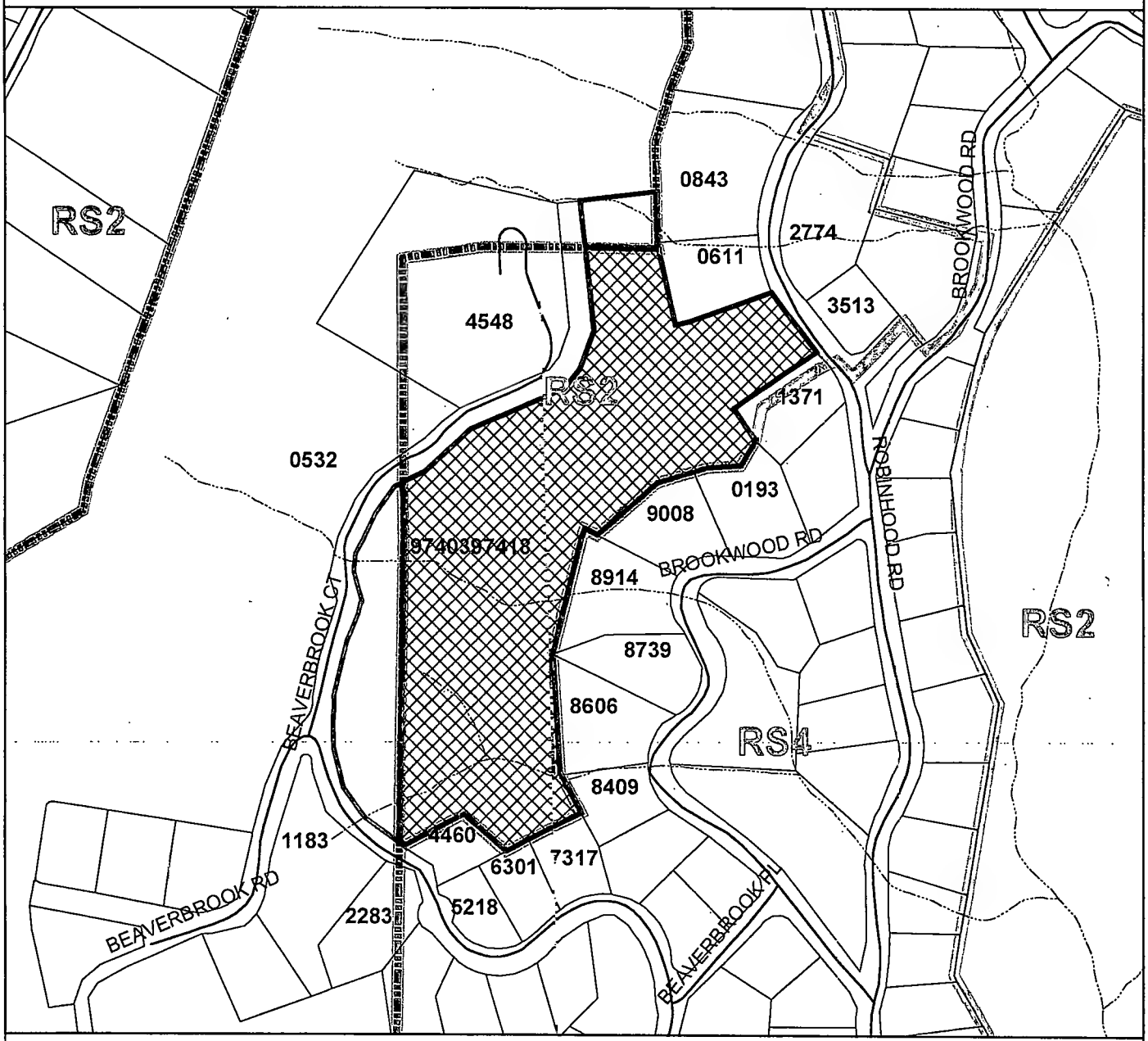
Mayor

Approved as to form:

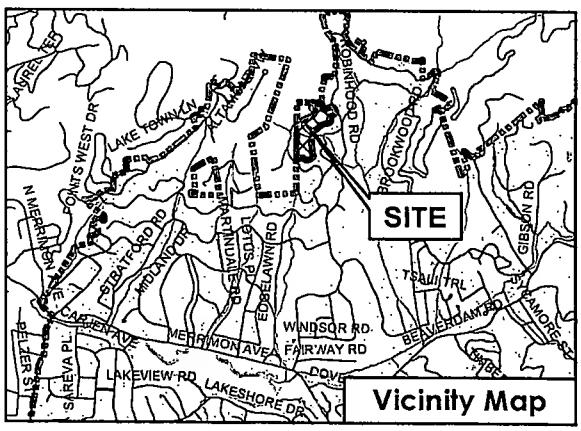
Martha McMahon
City Attorney

Magdalen Bulleson
City Clerk

City of Asheville - Exhibit A Map
Rezoning Petition



Project Name:	Robinhood / Beaverbrook
Project Number:	RZ 13-0706PZ
Project Description:	Requesting RS4 (from RS2)
Petitioner(s):	Sherwood Heights, Inc./Scott Best
Parcel ID Number(s):	9740-39-7418
Location/Address:	W of Robinhood, E of Beaverbrook



Project Site | Parcels | Zoning Districts | Asheville City Limits | Streets | Streams

City of Asheville Planning and Development Department - November 20, 2013

429

ORDINANCE NO. 4267

ORDINANCE AMENDING ZONING FOR PROPERTY(S) LOCATED AT OR NEAR CALEDONIA ROAD AND SWANNANOA RIVER ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. The proposed zoning amendment is suitable for the subject area and consistent with other adjacent and nearby land uses.
b. Staff analysis indicates that the proposed zoning district would meet a smart-growth goal of the comprehensive plan better than the current zoning district.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property(s) described in Exhibit A and identified on Buncombe County tax maps as PINS: 9648722062 and 9648714812 from INST (Institutional) to RM-16 (Residential Multi-Family High Density). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 14th day of January, 2014.

Magdalen Bourleson
City Clerk

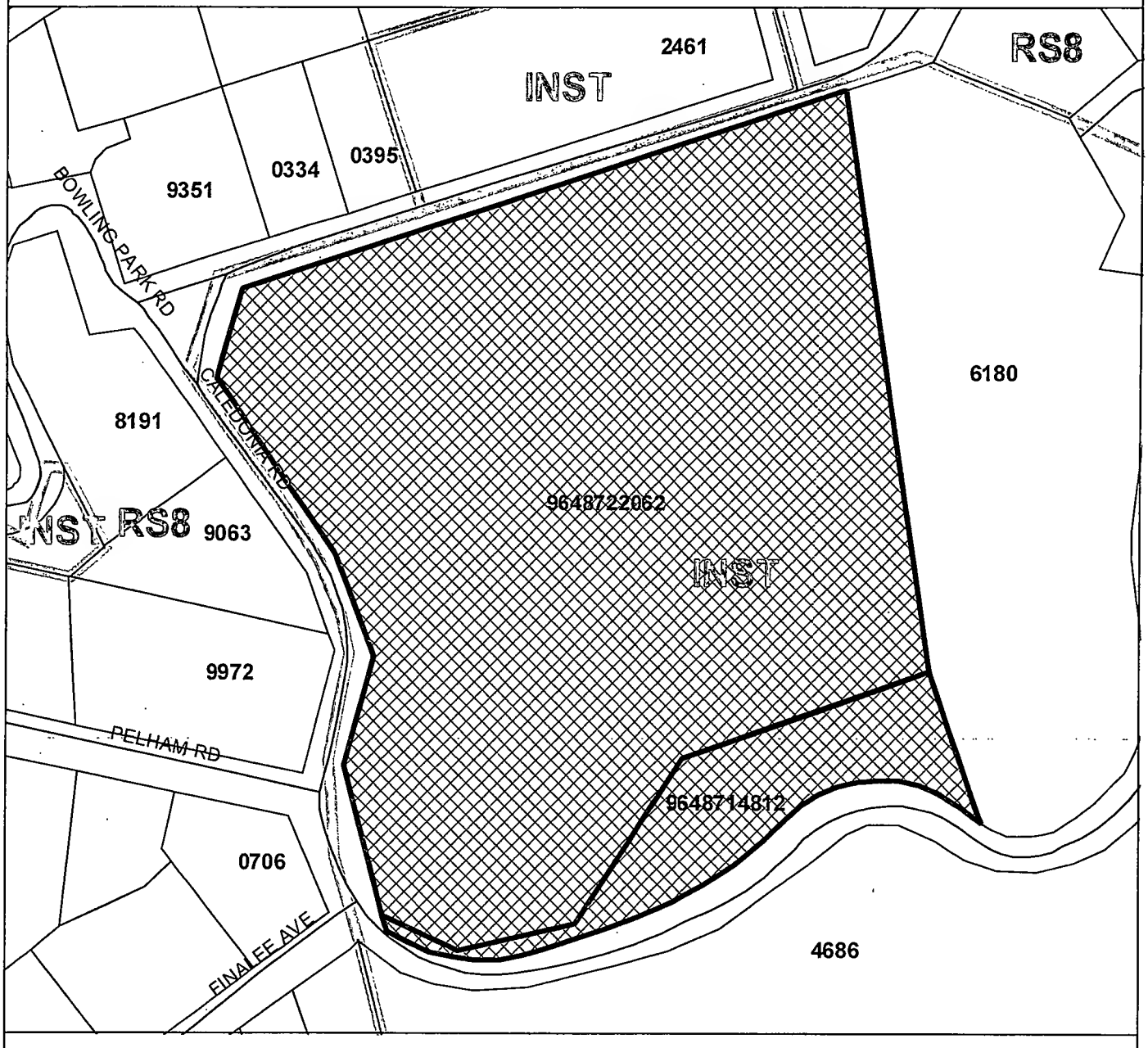
Mayor

Approved as to form:

Martha McMahon
City Attorney

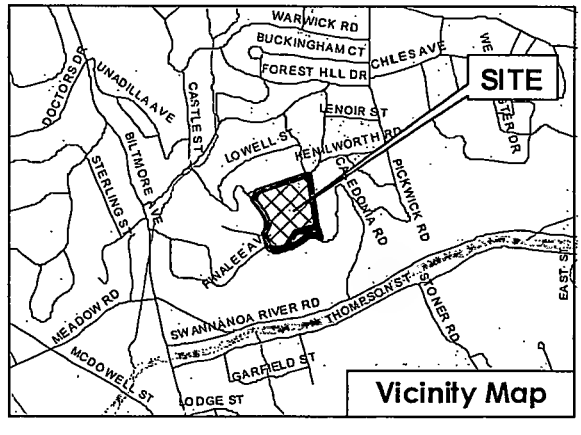
Magdalen Bourleson
City Clerk

City of Asheville - Exhibit A Map
Rezoning - Caledonia Road, INST to RM16



Project Name: Rezoning Request
Project Number: 13-50-011
Project Description: Rezoning from INST to RM-16
Petitioner(s): City of Asheville
Parcel ID Number(s): 9648-72-2062, 9648-71-4812

Location/Address: Caledonia Road



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Development Department - October 2013

ORDINANCE NO. 4268

ORDINANCE AMENDING ZONING FOR PROPERTY(S) LOCATED AT OR NEAR CALEDONIA ROAD AND SWANNANOA RIVER ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. The proposed zoning amendment is suitable for the subject area and consistent with other adjacent and nearby land uses.
b. Staff analysis indicates that the proposed zoning district would meet a smart-growth goal of the comprehensive plan better than the current zoning district.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property(s) described in Exhibit A and identified on Buncombe County tax maps as PINS: 9648726180, 9648714686, 9648718648, 9648718624, and the .34 acre portion of 9648727364 shown on the zoning map from INST (Institutional) to RS-8 (Residential Single-Family Medium Density). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 14th day of January, 2014.

Magdalen Bouleson
City Clerk

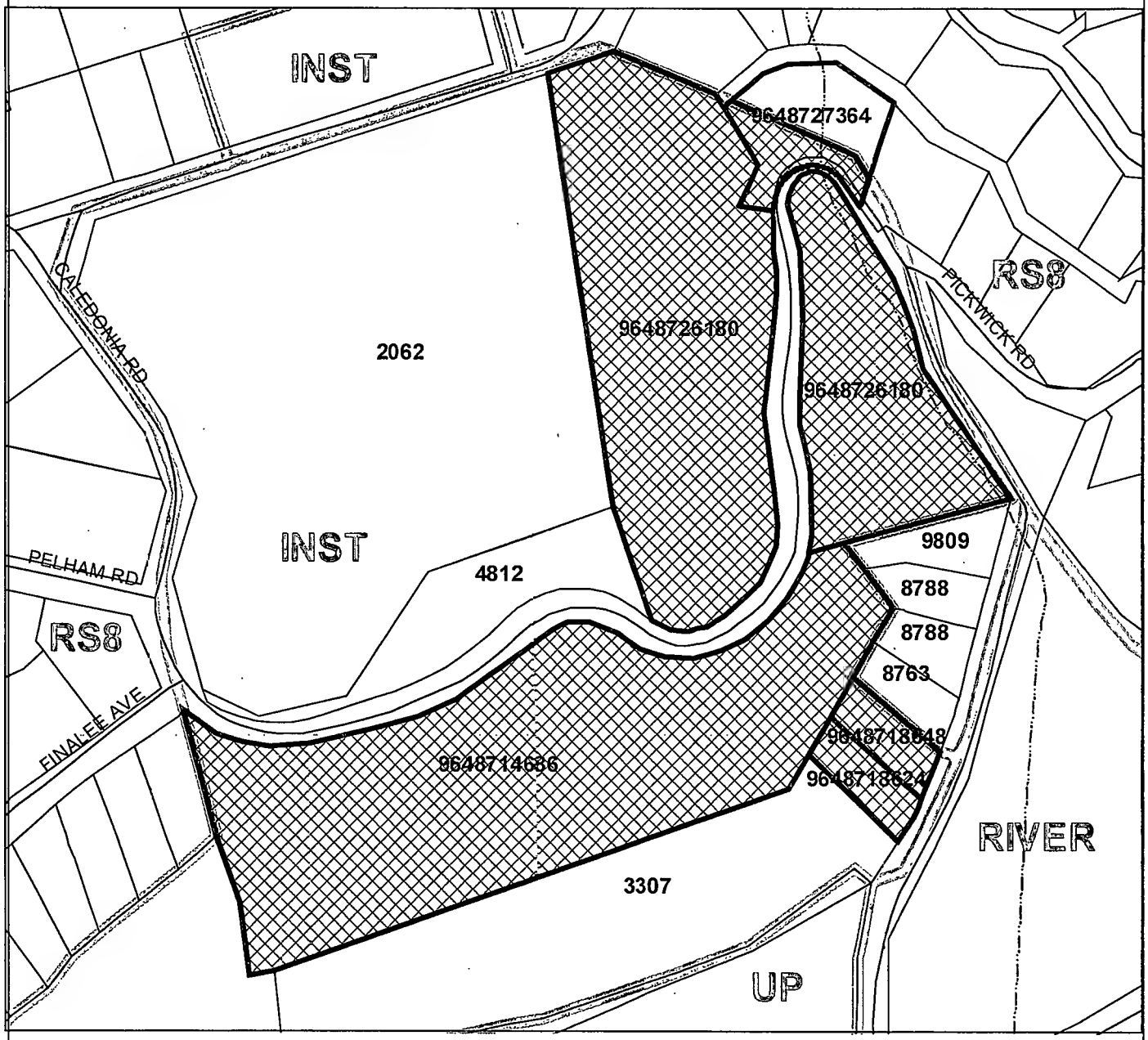
Mayor

Approved as to form:

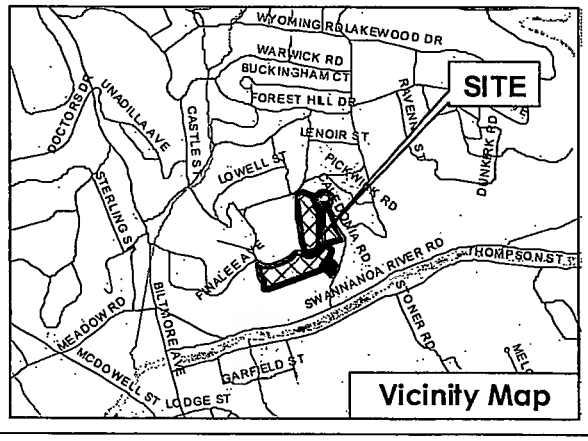
Martha McMahon
City Attorney

Magdalen Bouleson
City Clerk

City of Asheville - Exhibit A Map
Rezoning - Caledonia Road, INST to RS-8



Project Name: Rezoning Request
Project Number: 13-50-012
Project Description: Rezoning from INST to RS-3
Petitioner(s): City of Asheville
Parcel ID Number(s): 9648-71-4686, 9648-72,6180, 9648-71-8648, 9648-71-8624 9648-72-7364 (portion)
Location/Address: Caledonia Road



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Development Department - October 2013

435

ORDINANCE NO. 4269

ORDINANCE AMENDING ZONING FOR PROPERTY(S) LOCATED NEAR CALEDONIA ROAD AND SWANNANOA RIVER ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. The proposed zoning amendment is suitable for the subject area and consistent with other adjacent and nearby land uses.
b. Staff analysis indicates that the proposed zoning district would meet a smart-growth goal of the comprehensive plan better than the current zoning district.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property(s) described in Exhibit A and identified on Buncombe County tax maps as PIN 9648710317 and a 3 acre portion of PIN 9648713307 from INST (Institutional) to RM-8 (Residential Multi-Family Medium Density). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 14th day of January, 2014.

Magdalen Bolleson
City Clerk

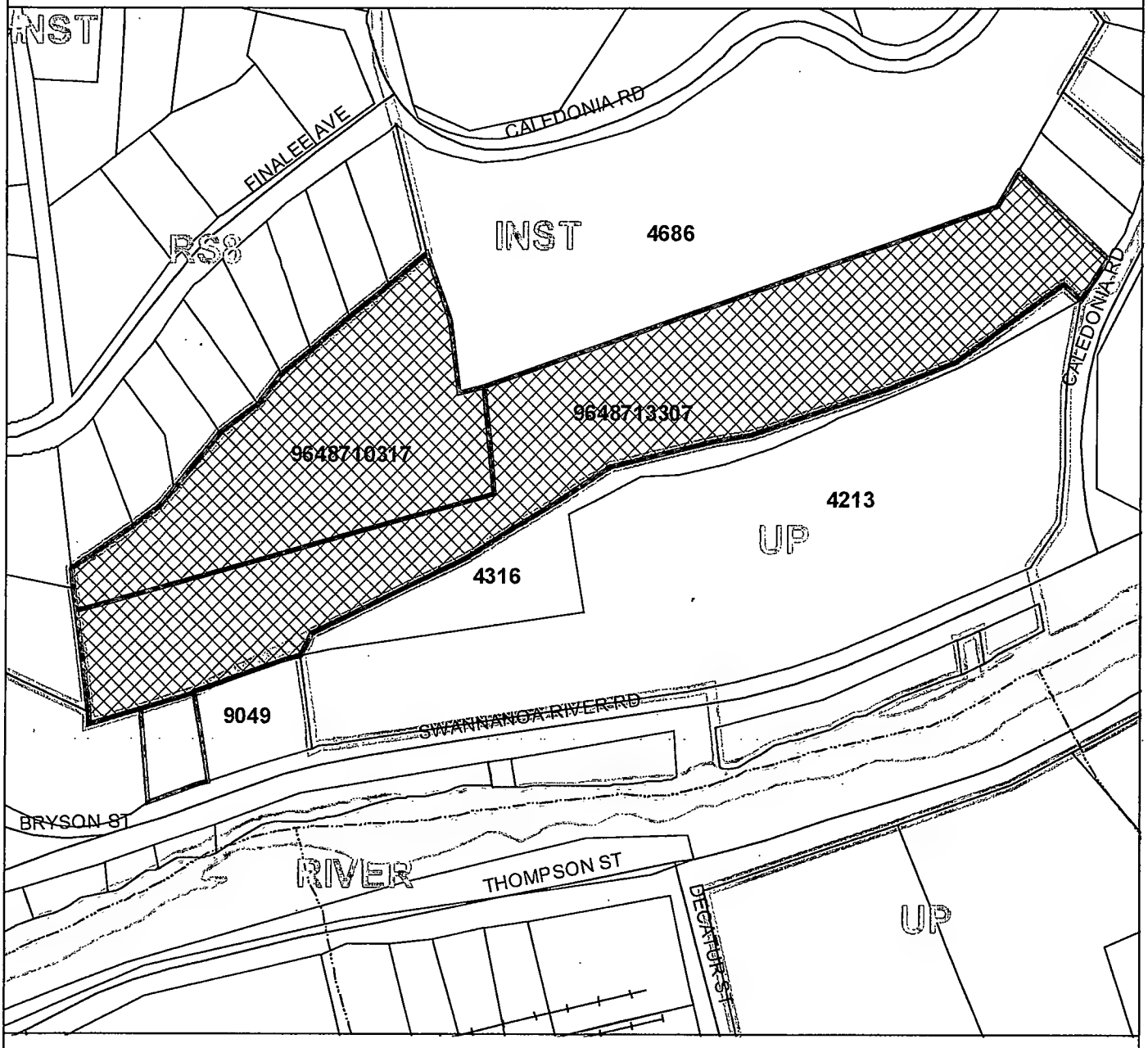
Mayor

Approved as to form:

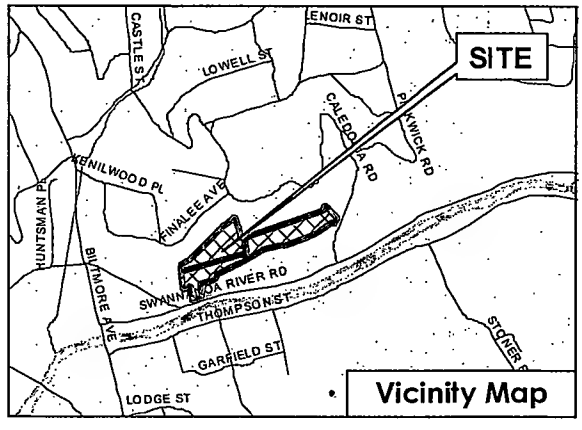
City Attorney

Magdalen Bolleson
City Clerk

City of Asheville - Exhibit A Map
Rezoning - Caledonia Road, INST to RM-8



Project Name:	Rezoning Request
Project Number:	13-50-013
Project Description:	Rezoning from INST to RM-8
Petitioner(s):	City of Asheville
Parcel ID Number(s):	9648-71-0317, 9648-71-3307 (portion of)
Location/Address:	Caledonia Road



Project Site | Parcels | Zoning Districts | Asheville City Limits | Streets | Streams

City of Asheville Planning and Development Department - October 2013

ORDINANCE NO. 4270

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY CCUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 14th day of January, 2014.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: RADTIP

Magdalen Bowleson
City Clerk

439

City of Asheville

Budget Amendment Details

1. Effective Date: 1/14/2014

2. Fiscal Year: 2013-14

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

4. Requesting Department	5. Today's Date	6. Preparer's Name
Transportation		

7. Comments/Purpose:	River Arts District Transportation Improvement Project (RADTIP) Engineering and Design Contract Approval

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Installment Purch Proceed			$0	
41000231:492000:E1401	$0	$0	$2,208,000	$2,208,000
			$0	
Expenditures:			$0	
Professional Services			$0	
41000231:521002:E1401	$0	$0	$2,186,000	$2,186,000
Legal Services			$0	
41000231:521003:E1401	$0	$0	$22,000	$22,000
			$0	
			$0	
			$0	
			$0	
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			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

ORDINANCE NO. 4271

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 28th day of January, 2014.

Magdalen Bourleson
CITY CLERK

MAYOR

Approved as to form:

Martha McKlohon
CITY ATTORNEY

PURPOSE: This Budget Amendment increases the Hendersonville Road Water Line Consolidation Capital Project Budget to $485,393

Magdalen Bourleson
City Clerk

441

City of Asheville
Budget Amendment

1. Effective Date: 1/28/2014
2. Fiscal Year: 2013-14

3. Amendment to Operating __ and/or Capital Project _X_ appropriation.

Water Resources	1/28/2014	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: Increase the Infrastructure budget for the Hendersonville Road WL Consolidation project in order to execute a construction contract with Cooper Construction Company.

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Hendersonville Road WL				
Tr Wtr OP 13				
61100911 - 498617 - W1412	$0.00	$0.00	$185,393.00	$185,393
Infrastructure				
61100911 - 615101 - W1412	$300,000.00	$300,000.00	$485,393.00	$185,393
Monte Vista / Sand Hill Road WL				
Tr Wtr OP 13				
61190911 - 498617 - W1312	$625,000.00	$624,999.96	$439,607.00	($185,393)
Infrastructure				
61100911 - 615101 - W1312	$238,750.00	$238,750.00	$53,357.00	($185,393)
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4272

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 28th day of January, 2014.

Magdalen Bulleson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

Martha McKibbon
City Attorney

PURPOSE: Program to strengthen neighborhood partnerships

Magdalen Bulleson
City Clerk

443

City of Asheville
Budget Amendment

1. Effective Date: 1/28/2014
2. Fiscal Year: 2013-14

3. Amendment to Operating ___X_ and/or Capital Project ____ appropriation.

City Manager's Office — 4. Requesting Department
1/28/2014 — 5. Today's Date
6. Department Head Signature

7. Comments/Purpose: acceptance of Z Smith Reynolds Grant funding

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue: Private Donation				
22000015-483300-G1405	0.00	$0.00	$30,000.00	$30,000.00
Expenditure: Awarded Grants	0.00	$0.00	$30,000.00	$30,000.00
22000015-527101-G1405				

ORDINANCE NO. 4273

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE CONCERNING PROCEDURES FOR CONDITIONAL ZONING AND CONDITIONAL USE PERMITS

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Unified Development Ordinance of the City of Asheville currently provides standards for approving conditional zoning; and

WHEREAS, it has been determined that the existing standards that warrant reconsideration; and

WHEREAS, providing greater transparency of conditional zoning conditions of approval is beneficial for the City of Asheville; and

WHEREAS, this proposed change to the ordinance is determined to be reasonable and in the public interest in that it will update current standards to better match expectations of the public without undue burden to the applicant for conditional zoning

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Chapter 7 of the Asheville Code of Ordinances be amended by:

Amending Sec. 7-5-5(c)(3) pertinent to Condition Use Permits to read:

3. *Information required.* Each application for a conditional use permit shall contain all information described in Appendix B (Checklists for Applications); and a notation of the pertinent deed number of the subject property with book and page reference from the Buncombe County Register of Deeds.

Amending Sec. 7-5-5(e)(3)(b) to read:

b. *Decision by city council*: The Asheville City Council, after conducting the public hearing, may: (1) deny approval; (2) table the application pending submittal of additional information; or (3) approve the proposed conditional use permit. The minutes of the Asheville City Council shall state if the proposed conditional use meets or does not meet each of the standards set forth in subsection 7-16-2(c) of this chapter and all other requirements set forth by this chapter for the proposed conditional use. The decision on the conditional use application shall be by a simple majority vote of those members of the Asheville City Council present at the meeting at which the action is taken.

If approved by the City Council, no permits may be issued related to the approved conditional use permit pertinent to the specific property until the property owner has recorded the approved plan and conditions at the Buncombe County Register of Deeds including notation of the pertinent deed number with book and page reference.

Amending Sec. 7-7-8(d)(1) – Pertinent to Conditional Zoning Application procedures to read:

1. The application shall include site plans, landscape plans, building elevations, floor plans, and other such information required to provide the approving bodies with a complete and accurate description of the proposed development. It must also include a notation of the deed number of the subject property with book and page reference from the Buncombe County Register of Deeds.

Amending Sec. 7-7-8(d)(8) – Application procedures to read:

8. Upon adoption of a conditional zoning ordinance, the official zoning map of the City of Asheville shall be amended to add the conditional zoning district. The planning director shall maintain a book or file for conditional zoning ordinances, and each conditional zoning ordinance shall be filed therein. Failure to comply with this provision shall not render the ordinance invalid.

If approved by the City Council, no permits may be issued on the subject property until the property owner has recorded the approved plan and conditions pertinent to the specific property at the Buncombe County Register of Deeds, including a notation of the pertinent deed number with book and page reference.

Section 2. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. This ordinance is effective upon adoption.

Read, approved and adopted this 28th day of January, 2014.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

Martha McMahon
City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4274

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE CONCERNING BOARD OF ADJUSTMENT PROCEDURES

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the General Assembly of North Carolina passed Session Law 2013-213 entitled "An Act to Clarify and Modernize Statutes Regarding Zoning Boards of Adjustment", effective October 1, 2013 which resulted in a number of modifications to N.C. G.S. sec. 160A-388 which governs the composition, duties and procedures of Boards of Adjustment; and

WHEREAS, certain provisions of the ordinance need to be amended in order be consistent with the provisions of the aforementioned new law;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Chapter 7 of the Asheville Code of Ordinances be amended by:

a. Amending **Sec. 7-3-3 (c)(2) Board of Adjustment-**

Subsection (b)(1) *Membership; terms; vacancies* to read:

(1) The board of adjustment for the City of Asheville shall consist of five regular members and seven alternate members. Four regular members and five alternate members who are residents of the City of Asheville shall be appointed by the Asheville City Council. The other regular member and two alternate members shall be appointed by the Buncombe County Board of Commissioners pursuant to N. C. Session Law 2013-30.

Sub section (c)(2) *Meetings and Voting* to read:

(2) The concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari regarding the provisions of this chapter. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

Subsection (e) *Administering oaths and issuing subpoenas* to read:

(e) Pursuant to N.C .Gen. Stat. sec. 160A-388(f), the chairperson of the board, the acting chairperson, and the clerk to the board are authorized to administer oaths to witnesses appearing before the board in any matter. Any person who, while under oath during a proceeding before the board of adjustment, willfully swears falsely is guilty of a Class 1 misdemeanor. The board;

through the chair, or in the chair's absence anyone acting as chair, may also issue subpoenas and compel the production of evidence.

b. Amending **Sec. 7-6-1 Variances**:

Subsection (a) *Purpose* to read:

(a) The variance process administered by the board of adjustment is intended to provide limited relief from the requirements of this chapter in those cases where strict application of a particular requirement will create an unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this chapter. It is not intended that variances be granted merely to remove inconveniences or financial burdens that the requirements of this chapter may impose on property owners in general or to increase the profitability of a proposed development. Rather, it is intended to provide relief where the requirements of this chapter render the land difficult to use because of some unique physical attribute of the property itself or some other factor unique to the property for which the variance is requested.

Subsection (c) (3) *Applications* to read:

(3) An application for a variance shall be filed with the city clerk who will then forward to the planning and development director or the engineering director, if proceeding under section 7-5-12, 7-12-1, or 7-12-2, on a form prescribed by the director, and containing such information and plans as required on the application form. The notice of appeal shall state the grounds for the appeal.

Subsection (c) (5) *Applications* to read:

(5) Once an application is accepted as complete by the clerk, the planning and development director or the engineering director, if proceeding under the section 7-5-12, 7-12-1 or 7-12-2, the application will be scheduled for consideration at a public hearing by the board of adjustment; provided however, all appeals and requests for variances under section 7-5-12 and 7-12-1 of this chapter shall initially be heard by the specifications review committee.

Subsection (d) (3) *Actions by the board of adjustment* to read:

After conducting the public hearing, the board of adjustment may:

a. Deny the application;

b. Conduct an additional public hearing on the application; or

c. Grant the application. The concurring vote of four-fifths of the board of adjustment shall be necessary to grant a variance.

Any approval or denial of the request shall be accompanied by written findings that the variance meets or does not meet each of the standards set forth in subsection 7-6-1(e) below: except the standards for flood protection regulation variances are set forth in subsection 7-6-1(f). The written decision shall be signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the secretary to the board.

Subsection (e) *Standard of Review* to read:

(e) When unnecessary hardships would result from carrying out the strict letter of this ordinance, the board of adjustment shall grant a variance upon a showing of all the following:

(1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

(2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

(4) The variance is consistent with the spirit, purpose and intent of the ordinance such that public safety is secured and substantial justice is achieved.

No change in permitted uses may be authorized by the variance. Appropriate conditions may be imposed on any variance provided that the conditions are reasonably related to the variance.

c. **Amending Sec. 7-6-2 Appeals of administrative decisions**:

Subsection (c) *Persons who may file and appeal* to read:

(c) Any person who has standing under G.S. 160A-393(d) or the city may appeal a decision to the board of adjustment. The notice of appeal shall state the grounds for appeal.

Subsection (d) *Filing of an appeal* to read:

(1) An application for an appeal shall be filed with the city clerk who will then forward to the planning and development director on a form prescribed by the director and contain such information as required on the application form.

(2) The application shall be accompanied by a fee as set forth in the City of Asheville's Fees and Charges Manual.

(3) Any appeal of an administrative decision must be filed no later than 30 days from receipt of written notice of the decision. For purposes of this section, "filed" means received by the city clerk. Additionally, though posting of notice of a decision is not required by this ordinance, N.C. G.S. 160A-388 (b1)(4) provides that constructive notice to all persons with standing to appeal "shall be conclusively presumed" upon compliance with the provisions of that statute.

(4) Once an application is accepted as complete by the planning and development director, the application will be scheduled for consideration at a public hearing by the board of adjustment.

(5) The filing of an appeal of a notice of violation or other enforcement order shall stay all proceedings in furtherance of the contested action unless the planning

and development director, chief building inspector, or the official who made the decision, certifies to the board of adjustment that, in his/her opinion, by reason of facts stated in the certification, such a stay would cause imminent peril to life and property, or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance. In such case, proceedings shall not be stayed except by restraining order which may be granted by the Superior Court of Buncombe County on notice to the administrative official from whom the appeal is taken, with due cause shown. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the board of adjustment shall meet to hear the appeal within 15 days after such a request is filed.

Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property. In these situations the appellant may request and the board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.

Subsection (e)(4) *Action by the board of adjustment* to read:

(4) The board of adjustment shall not reverse or modify the contested action unless there is a concurring majority vote of the board members.

Addition of new Subsection (e)(5) *Action by the board of adjustment* to read:

(5) Nothing herein shall prevent the planning and development director or his/her designee from pursuing an informal resolution of the matter appealed from. In such cases, the planning and development director or his/her designee shall report such resolution to the Board of Adjustment.

d. Amending **Sec. 7-5-20 Notices and public hearings**:

Subsection (b)(2) *Notice Procedure* to read:

(2) *Mailed notice.* First class mailed notice for public meetings or public hearings required by this chapter shall be provided to the person or entity whose application or request is the subject of the hearing, to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing and owners of all properties located within 200 feet of the subject property as said owners are shown on the county tax listings. Such notice shall be mailed no later than ten days before the scheduled date of the hearing. This notice shall also be mailed to the contact person(s) for the neighborhood(s) in which the development is proposed, if the contact person(s) is (are) known to the planning and development department.

e. Amending **Sec. 7-13-9 (a)** Variances (Sign ordinance) to read:

(a) *Variances.* In accordance with the procedures and standards set forth in article VI of this chapter, when unnecessary hardships would result from carrying out the strict letter of this ordinance, the board of adjustment shall vary the provisions of the ordinance upon a showing of all of the following:

(1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

(2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. (3) The hardship did not the result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

(4) The variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justices is achieved.

No change in permitted uses may be authorized by the variance. Appropriate conditions may be imposed on any variance provided that the conditions are reasonably related to the variance.

Section 2. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4. This ordinance shall be enforced as provided in City Code Sec. 1-5.

Section 5. This ordinance will become effective upon adoption.

Read, approved and adopted this 28th day of January, 2014.

Magdalen Bourdon
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourdon
City Clerk

ORDINANCE NO. 4275

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO UPDATE EXISTING OUTDOOR LIGHTING STANDARDS

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the ***Unified Development Ordinance*** of the City of Asheville currently provides fair and balanced standards for outdoor lighting needs; and

WHEREAS, it has been determined that there may be existing standards that warrant reconsideration and updating; and

WHEREAS, addressing concerns for safety and community compatibility of outdoor lighting is beneficial for the City of Asheville; and

WHEREAS, this proposed change to the ordinance is determined to be reasonable and in the public interest as follows:

a. It will allow for options that are readily available in the marketplace.
b. It maintains an appropriate standard to address environmental and public safety concerns.
c. It encourages the use of energy efficient technology and provides new standards for their use.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Chapter 7 of the Asheville Code of Ordinances be amended by

a. Amending Sec. 7-11-10(j)(5) to read:

All LED lighting attached to buildings or structures shall comply with the standards in subsection (g)(8) and shall have a maximum BUG rating of B2, U0, G2, unless otherwise exempted or excepted.

b. Amending Sec. 7-11-10(g)(8)b to read:

b. The maximum number of fixture lumens shall not exceed 6,500 in residential districts and no more than 20,000 lumens in non-residential districts or for legal non-residential uses in residential districts, unless otherwise allowed or exempted.

c. Amending Sec. 7-11-10(h)(4)(c)i to read:

i. In residential districts - no greater than 6,500 fixture lumens, with exceptions noted in subsection (5) below.

d. Amending Sec. 7-11-10(h)(4)(c)ii to read:

ii. In commercial districts – no greater than 20,000 fixture lumens, with exceptions noted in subsection (5) below.

e. Amending Sec. 7-11-10(h)(5) to read:

All LED street lighting shall comply with the standards in subsection (g)(8) and shall have a maximum BUG rating of B3, U3, G3 on commercial streets and major arterial DOT and City of Asheville roads, and a maximum of B2, U1, G2 on residential streets.

Exceptions:

a. Use of LED street lights in residential areas over 6,500 and up to 8,200 fixture lumens are allowed at intersections and safety sensitive locations, as deemed necessary by the director of public works.

b. Use of LED street lights on commercial and major arterial roads over 20,000 fixture lumens are allowed to ensure public safety as deemed necessary by NCDOT and by the director of public works.

f. Amending Sec. 7-11-10(i)(5)b to read:

b. LED site lighting greater than 9,500 fixture lumens or taller than 18-feet shall have a maximum BUG rating of B3-U0-G3, unless otherwise excepted.

Section 2. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. This ordinance shall be enforced as provided in Article XVIII of Chapter 7, and Sec. 1-5 of the Asheville City Code.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. This ordinance is effective upon adoption.

Read, approved, and adopted this 28th day of January, 2014.

Magdalen Bullion
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

Martha W. McMahon
City Attorney

Magdalen Bullion
City Clerk

453

ORDINANCE NO. 4276

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 11th day of February, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Handy Park Building Demolition and Retaining Wall Construction

Magdalen Burleson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2013-14

3. Amendment to Operating ____ and/or Capital Project _x___ appropriation.

Public Works — 2/11/2014
4. Requesting Department — 5. Today's Date — 6. Department Head Signature

7. Comments/Purpose: to establish a project budget for the Handi Park project (EDCIP)

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Debt Proceeds				
4100xxxx xxxxxx E14xx	$0 00		$413,978.00	$413,978.00
Expenditures:				
Contracted Services				
4100xxxx xxxxxx E14xx	$0.00		$413,978.00	$413,978.00

455

ORDINANCE NO. 4277

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 11th of February, 2014.

Magdalen Burleson
City Clerk

Edwin G. Mar
Mayor

Approved as to form:

Martha W. McElveen
City Attorney

PURPOSE: DWI Task Force

Magdalen Burleson
City Clerk

City of Asheville

Budget Amendment Details

1. Effective Date: 2/11/2014

2. Fiscal Year: 2013-14

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

Police Dept (4. Requesting Department) | (5. Today's Date) | (6. Preparer's Name)

7. Comments/Purpose: DWI Task Force

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Restrictd Intergv State Grants			$0	
22000122:436000:P1401	$0	$0	$536,861	$536,861
			$0	
Expenditures:			$0	
Compensation - Full Time Reg			$0	
22000122:511001:P1401	$0	$0	$188,000	$188,000
FICA Tax Expense			$0	
22000122:512001:P1401	$0	$0	$14,382	$14,382
Employer - LGERS			$0	
22000122:512002:P1401	$0	$0	$13,874	$13,874
Employer - 401(K)			$0	
22000122:512005:P1401	$0	$0	$9,400	$9,400
Group Insurance Expense			$0	
22000122:512014:P1401	$0	$0	$43,336	$43,336
Training			$0	
22000122:523001:P1401	$0	$0	$6,000	$6,000
Supplies - Other			$0	
22000122:524001:P1401	$0	$0	$1,500	$1,500
Supplies - Uniforms			$0	
22000122:524005:P1401	$0	$0	$24,000	$24,000
Awarded Grants			$0	
22000122:527101:P1401	$0	$0	$236,369	$236,369
			$0	
Revenue:			$0	
Restrictd Intergv State Grants			$0	
41000122:436000:P1401	$0	$0	$188,000	$188,000
			$0	
Expenditures:			$0	
Mach & Equipment			$0	
41000122:614101:P1401	$0	$0	$188,000	$188,000
			$0	
			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

457

ORDINANCE NO. 4278

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 11th day of February, 2014.

Magdalen Bowlerson
City Clerk

Mayor

Approved as to form:

Martha W. McMahon
City Attorney

PURPOSE: Winter storm control

Magdalen Bowlerson
City Clerk

City of Asheville

Budget Amendment Details

1. Effective Date: 2/11/2014

2. Fiscal Year: 2013-14

3. Amendment to Operating _x___ and/or Capital Project ___ appropriation.

Public Works | |
4. Requesting Department | 5. Today's Date | 6. Preparer's Name

7. Comments/Purpose: Budget Amendment for Winter Strom Control

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Appropiated Fund Balance			$0	
11000010:499100	$0	$0	$150,000	$150,000
			$0	
Expenditures:			$0	
Materials			$0	
11003006:524101	$63,146	$12,784	$213,146	$150,000
			$0	
			$0	
			$0	
Revenue:			$0	
			$0	
			$0	
			$0	
Expenditures:			$0	
			$0	
			$0	
			$0	
			$0	
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			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

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ORDINANCE NO. 4279

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 11th day of February, 2014.

Magdalen Bourleson
City Clerk

Edwin E. Mac
Mayor

Approved as to form:

Martha W. McElhaney
City Attorney

PURPOSE: Quiet Zone at Lyman St Intersection

Magdalen Bourleson
City Clerk

City of Asheville

Budget Amendment Details

1. Effective Date: 2/11/2014

2. Fiscal Year: 2013-14

3: Amendment to Operating ____ and/or Capital Project _X__ appropriation.

City Manager Office | 4. Requesting Department

5. Today's Date

6. Preparer's Name

7. Comments/Purpose: Authorizing payment for services associated with obtaining "Quiet Zone" designation for the railroad crossing at Lyman Street

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Appropiated Fund Balance			$0	
11000010:499100	$0	$0	$15,000	$15,000
			$0	
Expenditures:			$0	
Economic Incentives			$0	
11000061:594010	$638,400	$638,400	$653,400	$15,000
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
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			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

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ORDINANCE NO. 4280

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE CONCERNING STANDARDS FOR FENCES AND WALLS

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Unified Development Ordinance of the City of Asheville currently provides standards for the construction of fences and walls; and

WHEREAS, it has been determined that there are existing standards that warrant reconsideration; and

WHEREAS, there is a public interest in providing standards for electrified security fencing in some locations; and

WHEREAS, this proposed change to the ordinance is determined to be reasonable and in the public interest in that it will update current standards to allow for the safe use of electrified security fencing for businesses:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT THE UNIFIED DEVELOPMENT ORDINANCE IS MODIFIED AS NOTED BELOW:

Section 1.

Article 7-10. General Development and Performance Standards

Sec. 7-10-3. Fences and walls.

(a) *Height standards.*

(1) Fences and walls located outside the minimum front, side, or rear setback may be erected to any height permitted for buildings in the zoning district in which they are located.

(2) Unless otherwise required to comply with other provisions of the Code of Ordinances of the City of Asheville fences and walls located within the minimum front setback shall not exceed six feet in height unless serving as a retaining structure. Fences and walls located within the minimum side or rear setback shall not exceed eight feet in height unless serving as a retaining structure. No fence or wall shall obstruct the site visibility triangles required by subsection 7-11-2(g) of this chapter.

(3) All fences and walls shall comply with the applicable provisions of the North Carolina State Building Code, the Asheville Fire Prevention Code, and the Asheville Standard Specifications and Details Manual.

(b) *Sight triangles.* No wall or solid fence higher than three and one-half feet shall be placed within the sight visibility triangle of a public street, private street, or driveway contained either on

(c) *Electrified Security Fences* - Private use of electrified security fences shall be allowed only in the Industrial, Commercial Industrial, and Light Industrial districts and only for the purpose of securing outdoor storage areas. Such fences are allowed by right with special standards in the Industrial and Light Industrial districts (Sec. 7-16-1), and allowed by conditional use permit (Sec. 7-16-2) in the Commercial Industrial district. Electrified security fences are also allowed for government facilities and utility facilities or if required by the U.S. Department of Homeland Security for public security purposes.

Article XVI. Uses by Right Subject to Special Requirement and Conditional Uses

Sec. 7-16-1. Uses by right, subject to special requirements.

(b) Uses by right, subject to special requirements listed (by zoning district).

78. *Electrified Security Fences.* Industrial, Light Industrial.

(c) Uses by right, subject to special requirements, standards:

78. *Electrified security fences.*

a. Use districts: Industrial and Light Industrial.

b. Must meet the following standards:

(1) The construction or use of an electrified security fence for other than animal control is allowed only as provided in this section in addition to the other requirements of section 7-10-3. No person may install, maintain, or operate an electric fence that does not meet the provisions of this section.

(2) Electrified security fences are not allowed in:

a. Public rights of way, utility rights of way, and public construction easements; or
b. Within 1,000 feet of any residential use.

(3) Electrified security fences shall comply with the following design and technical standards:

a. *Energizer standards* - The energizer for electric fences must be driven by a storage battery system (which may include a solar powered system), not to exceed 12 volts direct current. No use of alternating current is allowed. The fence cabling and wires must not be connected to any overhead power line post

and no individual section of an electrified fence may be connected to more than one energizer.

The electric charge produced by the fence upon contact must not exceed energizer characteristics described in paragraph 22.108 and shown in Figure 102 of International Electrotechnical Commission (IEC) Standard No. 60335-2-76, latest edition. The electrified fence system must regulate voltage, pulse, and amperage at all times.

A lightening diverter/arrestor must be installed between an electrified fence and its energizer; and any energizer used must be connected to a dedicated ground system. All energized ground system cables must be properly insulated, and any energizer ground system must not be connected to any building or plumbing system, and must be located at least ten (10) feet from any buried pipes, wires, or other utilities of any kind.

b. *Fence system design* - The electrified security fence must be designed so that it does not interfere with the transmission of power, telephone, data, radio, or television signals. The fence must not interfere with overhead utility lines or the maintenance of those lines. The electrified fence must be located to prevent nearby power lines from affecting the performance of the fence.

c. *Alarm system* - Electrified fences must be equipped with a monitoring alarm system and must obtain a permit meeting the standards of the City of Asheville for alarms in Chapter 13, Article II, Section 13-32 of the City Code that activates simultaneously with any contact to the electrified area of the fence.

d. *Fence Height* - In no case may an electrified security fence exceed ten (10) feet in height. The electrified security fence must be completely surrounded on its perimeter by a nonelectrical fence or wall that also may not exceed ten (10) feet in height.

Any portion of an electrified security fence or its surrounding perimeter nonelectric fence that exceeds six feet in height must be located beyond the front setback, and any portion that exceeds eight (8) feet in height it must be located beyond the side or rear setback.

e. *Fence Separation*: The electrified security fence must be separated from the perimeter fence or wall by a distance of at least 12 inches and no more than 36 inches, except at gate openings. The area between the perimeter fence and the electrified fence must be kept unobstructed and clear of any vegetation or objects. The lowest portion of the perimeter fence or wall of an area enclosed by an electrified fence must be constructed so that no space exists between the ground and fence or wall.

f. *Electrified Fence Sign* - At least one (1) warning sign must be placed on each side the electrified security fence, no higher than four (4) feet from the ground. There can be no less than twenty-five (25) feet between signs. At least one (1) sign must be placed on any vehicle or pedestrian access gate. The signs must be not larger than one (1) square foot in size with lettering a minimum of one (1)

inch high. Signs must be black, or black and red, on a white or yellow background; and must state "Danger – Electric Fence Inside" or "Warning – Electric Fence Inside" in English and Spanish and contain the an illustration indicating the potential for electric shock.

g. *Disconnect Box* - An disconnect switch within a "key box" (Knox Box) must be installed at a location or locations acceptable to the Fire Department that will disconnect the electrified fence completely from all energizers in an emergency by police, fire, or other emergency personnel. The location of this switch must be clearly marked and easily observable and accessible from a primary path of entry. The type of key box, type of key, installation, and maintenance must be as determined and approved by the Fire Department.

h. The owner of the electric fence and/or the owner of the property where the fence is located must provide the City with a hold harmless/indemnification agreement in a form satisfactory to the City Attorney prior to the installation of the electrified fence.

i. The City, or a third party designated by the City, may conduct inspections with notice and may enter the premises for such purpose with permission.

Sec. 7-16-2. Conditional Uses

(b) Conditional uses listed (by zoning district).

17. Electrified Security Fences

(d) Additional conditional uses standards:

17. *Electrified Security Fences*

a. Use districts: Commercial Industrial

b. Must meet standards for such fences in 7-16-1(c).

Section 2. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 3. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 4. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted this 11th day of February, 2014.

Magdalen Bullerson
City Clerk

Edna E. Hunter
Mayor

Approved as to form:

Matthew W. McGloton
City Attorney

Magdalen Bullerson
City Clerk

ORDINANCE NO. 4281

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 11th day of February, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Moogfest Partnership

Magdalen Burleson
City Clerk

467

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2013-14

3. Amendment to Operating _x___ and/or Capital Project ____ appropriation.

Economic Development	2/11/2014	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: to establish a budget for FY 2013-14 Moogfest Support

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Fund Balance				
11000010 499100	$0.00		$40,000.00	$40,000.00
Expenditures:				
Moogfest				
11000070 594xxx	$0.00		$40,000.00	$40,000.00

ORDINANCE NO. 4282

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 25th day of February, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

Martha W. McGlohon
City Attorney

PURPOSE: US Dept. Of Justice,
Byrne JAG 2013 – Local Solicitation

Magdalen Burleson
City Clerk

469

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2013-14

3. Amendment to Operating ___ and/or Capital Project _X_ appropriation.

4. Requesting Department POLICE 5. Today's Date 2/25/2014 6. Department Head Signature

7. Comments/Purpose: To establish budget to receive and spend JAG 2013 Grant.
Award 2013-DJ-BX-1032

8. Organization #	Object Code	Project #	9. Beginning Budget	10. Account Summary Bal	11. New Budget	12. Increase or Decrease By
22000122	435000	P1306	0.00	$0.00	$53,016.00	$53,016.00
Restricted Intergov Revenue - Federal Grant						
22000122	524003	P1306	0.00	$0.00	$38,844.00	$38,844.00
Supplies - Safety Equipment						
22000122	527101	P1306	0.00	$0.00	$14,172.00	$14,172.00
Pass through awarded grants						
					$0.00	
					$0.00	
					$0.00	

ORDINANCE NO. 4283

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 25th day of February, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

Martha W. McMahon
City Attorney

PURPOSE: Budget amendment to transfer $1,084.89 from FY12 North Carolina Department of Commerce allocation to the FY14 North Carolina Department of Commerce allocation to be used to support facility improvements at the WNC Nature Center.

Magdalen Burleson
City Clerk

471

City of Asheville

Budget Amendment Details

1. Effective Date: 2/25/2014

2. Fiscal Year: 2013-14

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

PRCA (4. Requesting Department) | (5. Today's Date) | (6. Preparer's Name)

7. Comments/Purpose: Technical Budget Amendment: WNC Nature Center NC Department of Commerce Allocation

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Restrictd Intergv State Grants			$0	
41008401:436000:R1411	$74,793	$0	$75,878	1,084.89
			$0	
Expenditures:			$0	
Contracted Services			$0	
41008401:521001:R1411	$74,793	$60,173	$75,878	1,084.89
			$0	
			$0	
			$0	
			$0	
Revenue:			$0	
			$0	
			$0	
			$0	
Expenditures:			$0	
			$0	
			$0	
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			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

ORDINANCE NO. 4284

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED ON SWEETEN CREEK ROAD NEAR CARRINGTON PLACE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a) Project provides residential units.
b) Some existing vegetation around the perimeter of the site will be preserved.
c) Project incorporates pervious pavers into one of the parking areas.
d) Proposes a density that supports transit (S3 on Hendersonville Road is within 0.5 miles and the S1 ends 5 miles north)

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9654.33-5493, recorded in Deed Book 5107, Page 529; currently owned by Triangle Real Estate Gastonia Inc., from Industrial district to Residential Multi-family High Density district. A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B", attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 25th day of February, 2013.

Magdalen Bulleson
City Clerk

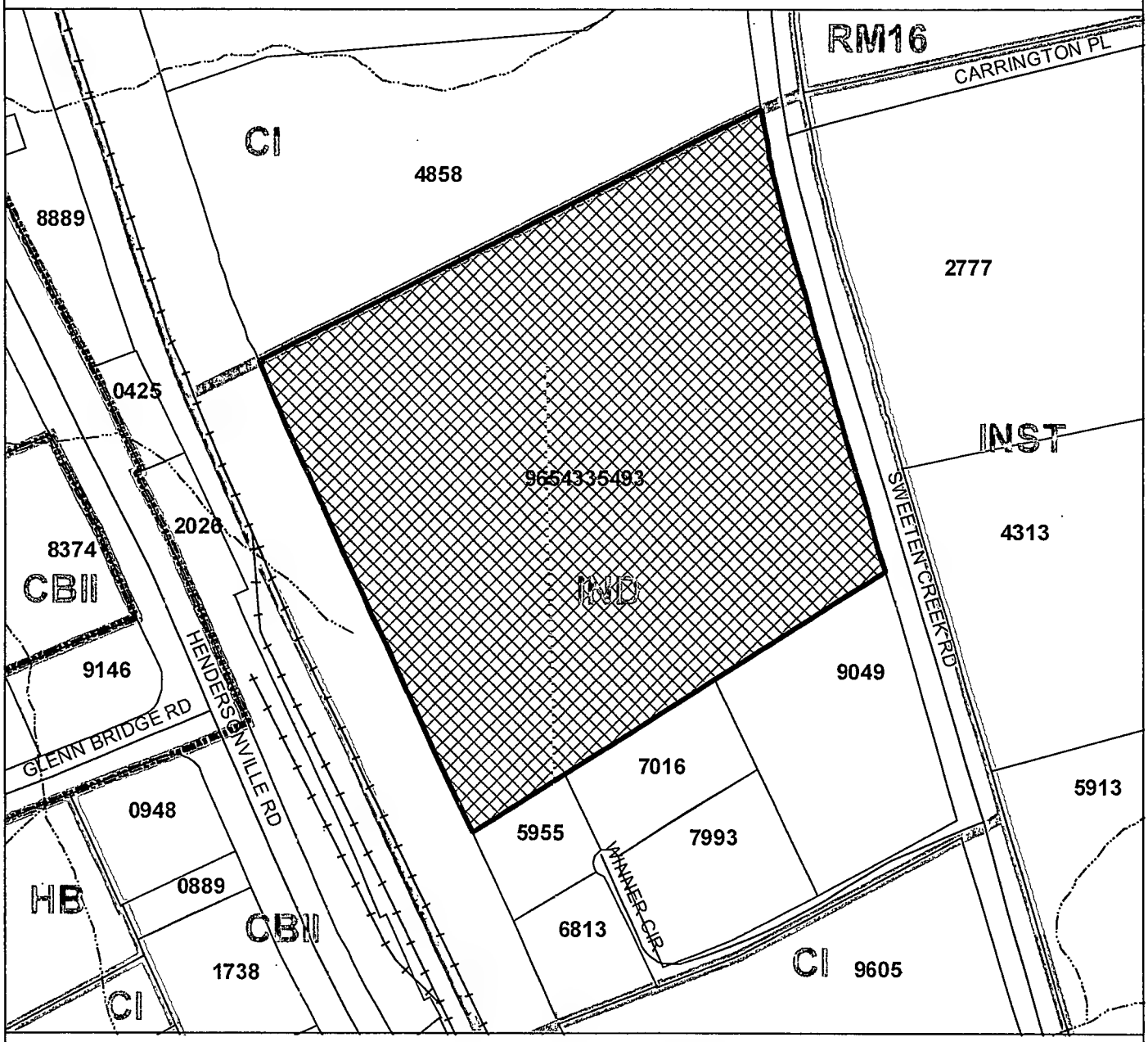
Mayor

Approved as to form:

Martha W. McGlohon
City Attorney

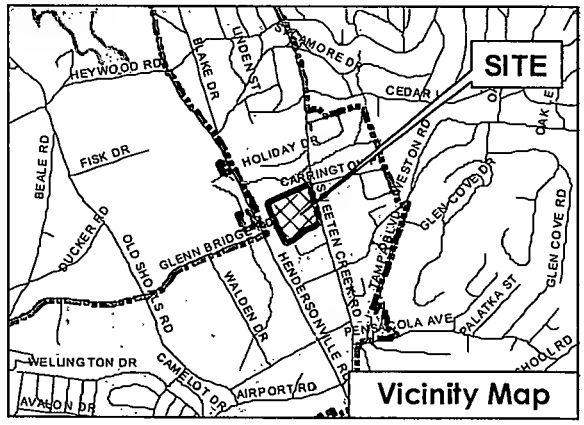
Magdalen Bulleson
City Clerk

City of Asheville - Exhibit A Map
CZ - The Avalon



Project Name: The Avalon
Project Number: 13-51-009
Project Description: 192 residential units, clubhouse
Petitioner(s): Triangle Real Estate Gastonia, Inc.
Parcel ID Number(s): 9654-33-5493

Location/Address: Sweeten Creek Road



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Development Department - October 2013

EXHIBIT B
CONDITIONS

1. The project shall comply with all conditions outlined in the TRC staff report.
2. This project will undergo final review by the TRC prior to the issuance of any site development permits.
3. All site lighting must comply with the City's Lighting Ordinance, Section 7-11-10, of the Unified Development Ordinance. A detailed lighting plan illustrated compliance with the ordinance will be required upon submittal of detailed plans to be reviewed by the Technical Review Committee.
4. All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape, utility and grading plans.
5. The building design, construction materials and orientation on site must comply with the conceptual site plan and the building elevations presented with this application. Any deviation from these plans may result in reconsideration of the project by the reviewing boards.
6. This Project will undergo final review by the TRC prior to issuance of any required permits.
7. The term of validity for the conditional zoning amendment is contingent on pursuit of the specified development. Without such action, the zoning amendment can expire as per UDO Sec. 7-7-8(c)(9) and 7-7-8(c)(10).

ORDINANCE NO. 4285

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT QUAIL HOLLOW DRIVE AND WESTON ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a) Conditionally zoning the entire property to RS-4 eliminates the split-zoned result of residential lots with an Industrial portion, which can lead to conflicting development standards
b) The proposal is a continuation of an existing single-family development and is consistent with the development pattern in the vicinity.
c) The proposal as shown is permitted by-right in RS-4 zoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as a portion of PINs 9654-43-4313 and 9654-42-5913, recorded in Deed Book 3849, Page 205; currently owned by Edgar S Holland Jr. and Elizabeth Holland Gardner, from Residential Single-Family Medium Density district and Institutional district to Residential Single-Family Medium Density district. A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B", attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 25th day of February, 2014.

Magdalen Bullerson
City Clerk

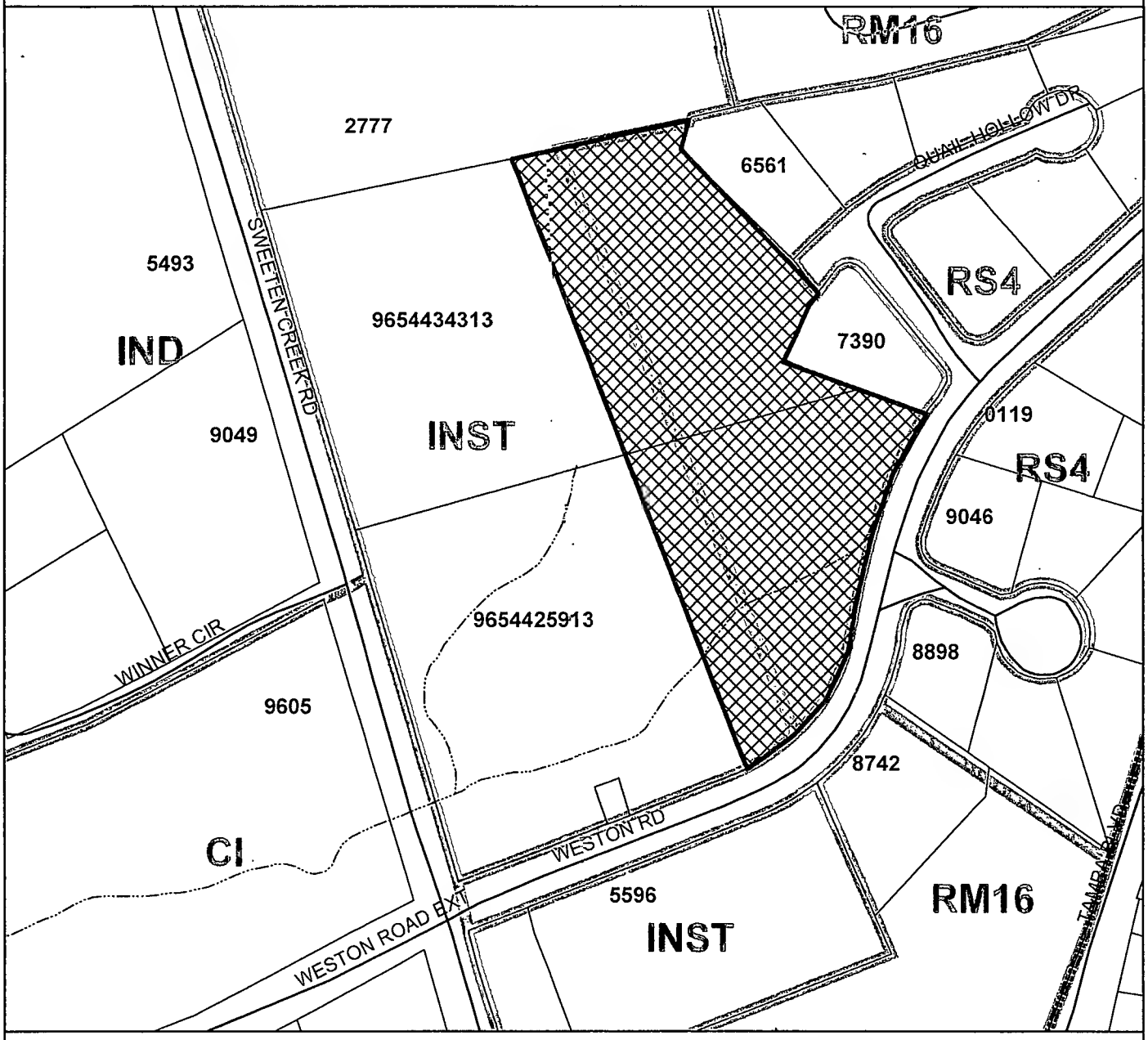
Mayor

Approved as to form:

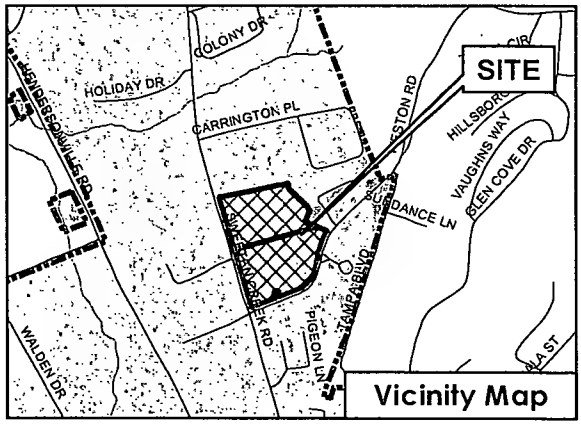
Martha W. McKlohon
City Attorney

Magdalen Bullerson
City Clerk

City of Asheville - Exhibit A Map
Quail Hollow Conditional Zoning



Project Name:	Quail Hollow
Project Number:	13-09390PZ
Project Description:	12 lot subdivision and RS4 CZ
Petitioner(s):	Edgar S. Holland, Elizabeth Holland-Gardner
Parcel ID Number(s):	9654-42-5913, 9654-43-4313
Location/Address:	Quail Hollow at Weston Road



Project Site | Parcels | Zoning Districts | Asheville City Limits | Streets | Streams

City of Asheville Planning and Development Department - January 2014

EXHIBIT B
CONDITIONS

1. The project shall comply with all conditions outlined in the TRC staff report.
2. This project will undergo final review by the TRC prior to the issuance of any site development permits.
3. All site lighting must comply with the City's Lighting Ordinance, Section 7-11-10, of the Unified Development Ordinance. A detailed lighting plan illustrated compliance with the ordinance will be required upon submittal of detailed plans to be reviewed by the Technical Review Committee.
4. All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape, utility and grading plans.
5. The building design, construction materials and orientation on site must comply with the conceptual site plan and the building elevations presented with this application. Any deviation from these plans may result in reconsideration of the project by the reviewing boards.
6. This Project will undergo final review by the TRC prior to issuance of any required permits.
7. The term of validity for the conditional zoning amendment is contingent on pursuit of the specified development. Without such action, the zoning amendment can expire as per UDO Sec. 7-7-8(c)(9) and 7-7-8(c)(10).

ORDINANCE NO. 4286

ORDINANCE AMENDING ZONING FOR PROPERTY(S) LOCATED AT 101 BRUCE ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. The proposed rezoning would resolve a split-zoned situation.
b. The amendment would facilitate compliance with UDO for property owner, reducing needless obstacles to development without additional risk of detriment to the neighborhood.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property(s) described in Exhibit A and identified on Buncombe County tax maps as that portion of PIN 9617-86-1979 currently zoned Institutional from INST (Institutional) to CI (Commercial Industrial). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 25th day of February, 2014.

Magdalen Bouleson
City Clerk

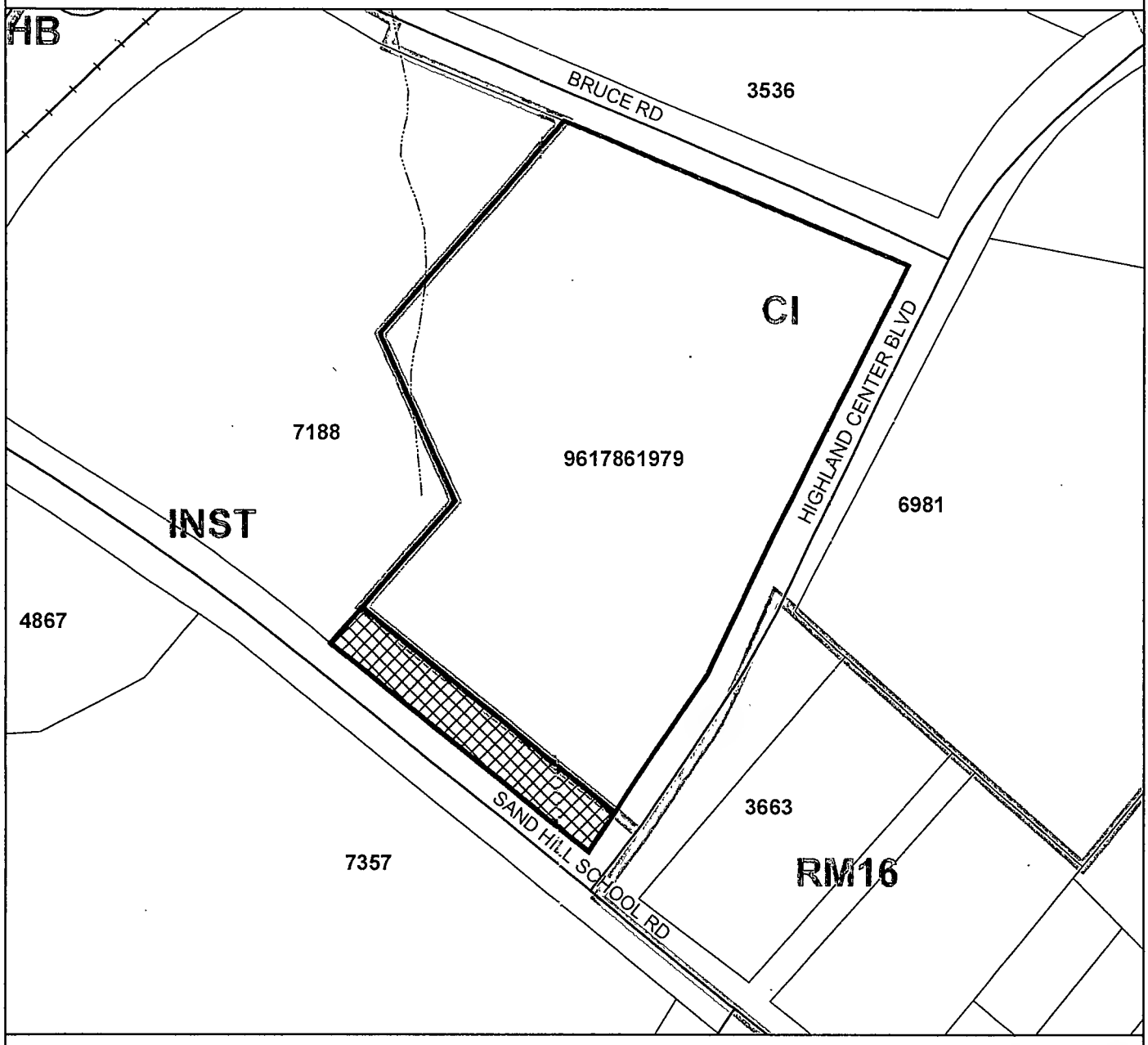
Mayor

Approved as to form:

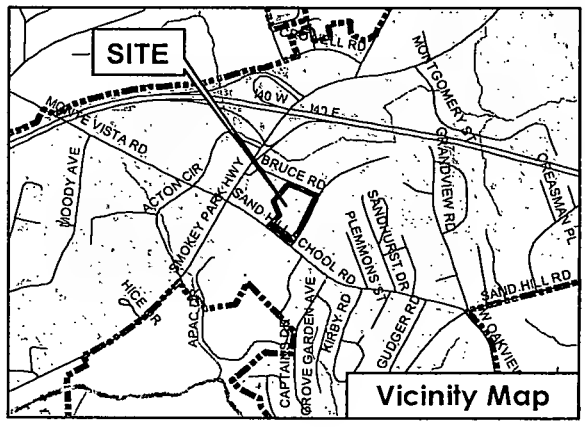
Matthew W. McGloton
City Attorney

Magdalen Bouleson
City Clerk

City of Asheville - Exhibit A Map
Rezoning Petition

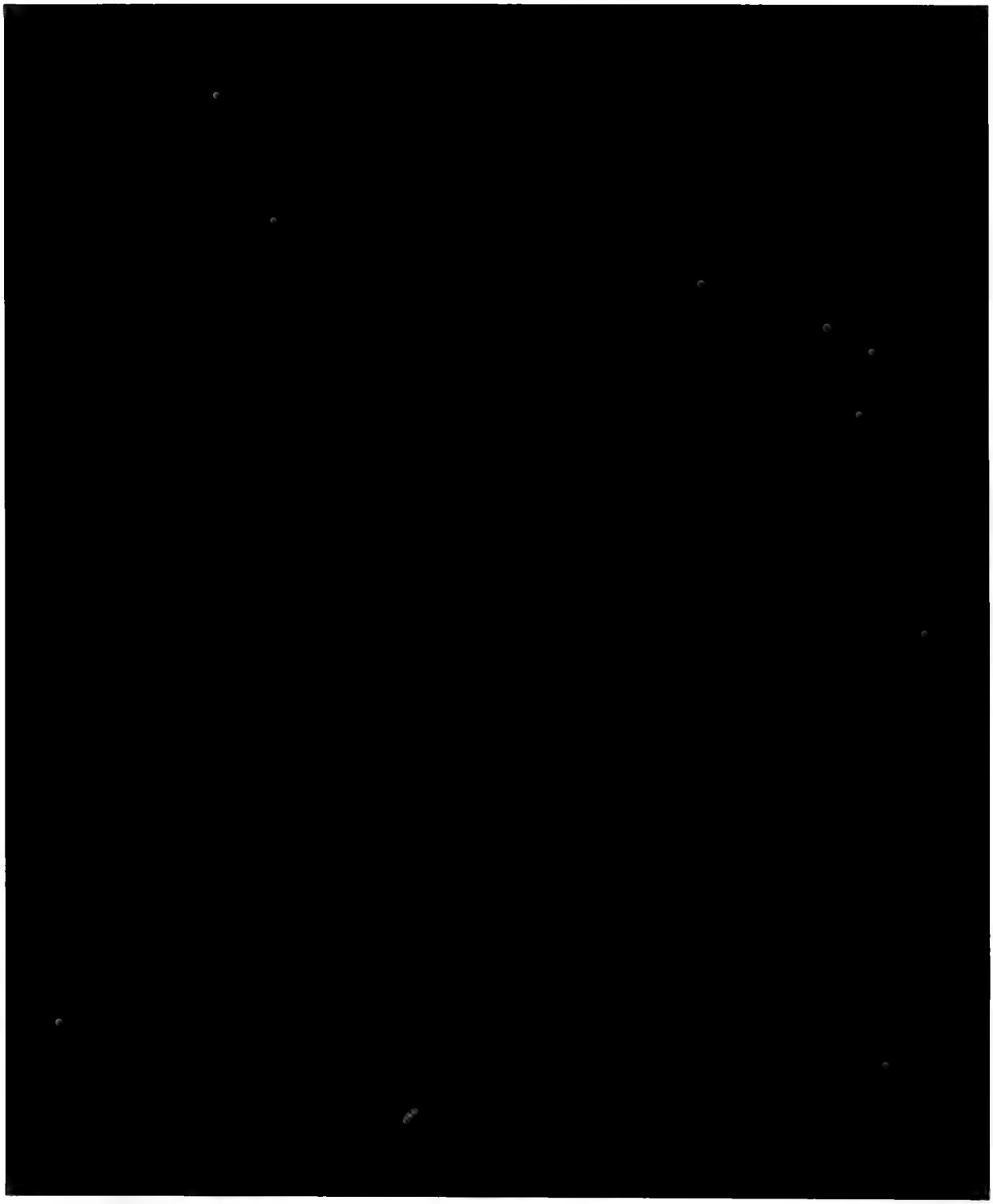


Project Name:	101 Bruce Road
Project Number:	REZO 14-00023PZ
Project Description:	Change from INST to CI
Petitioner(s):	Tom and Brenda Bruce
Parcel ID Number(s):	9617-86-1979 (portion)
Location/Address:	Sand Hill School Rd and Highland Center Blvd



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Development Department - January 23, 2014



BUNCOMBE COUNTY

CITY OF ASHEVILLE

CITY COUNCIL

ORDINANCES

MINUTES

VOLUME: 29

(MARCH 25, 2014 – MAY 26, 2015)

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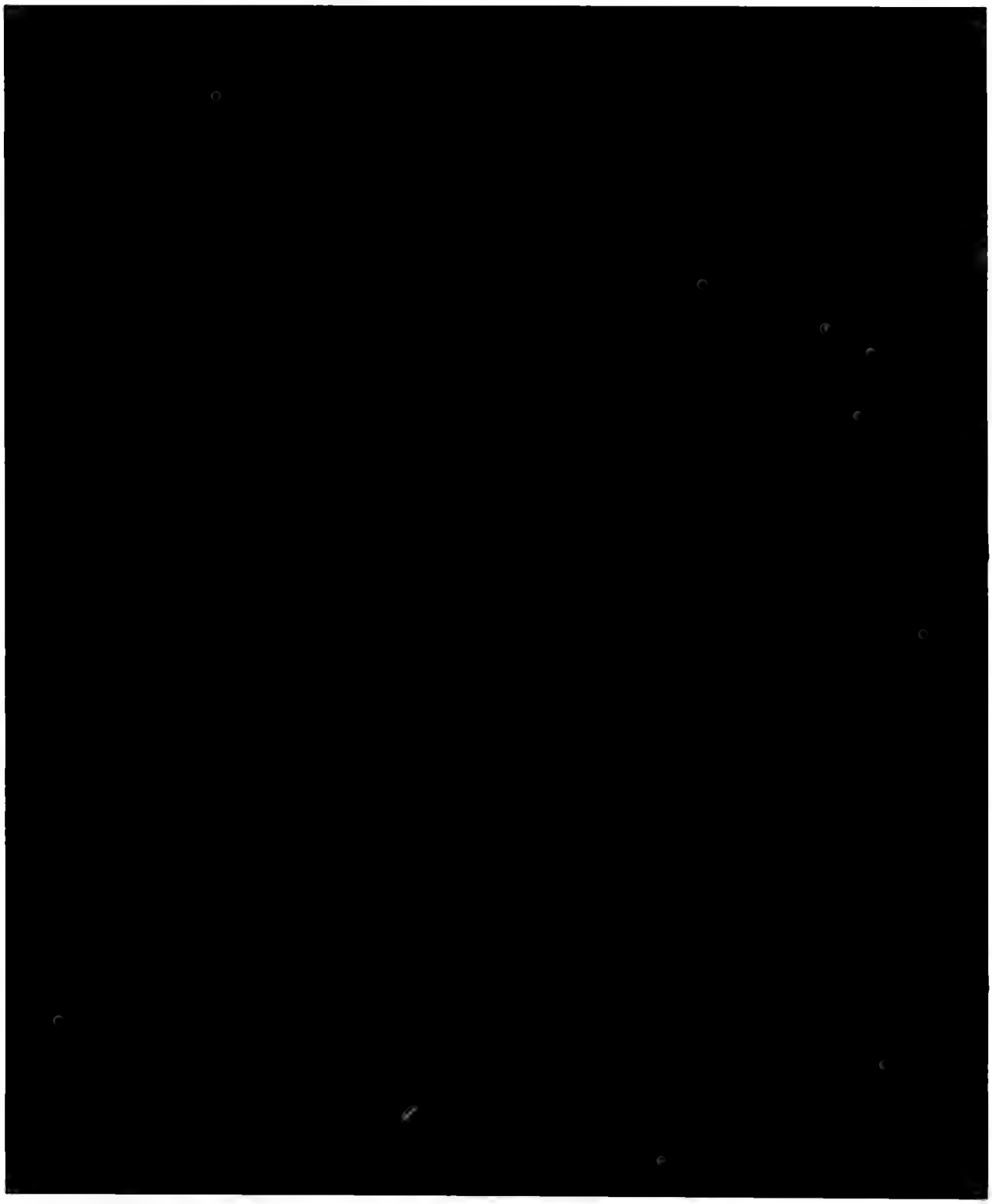

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ORDINANCE NO. 4287

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE.

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 25th day of March, 2014.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Park Ave. North Bridge Rehab

Magdalen Bulleson
City Clerk

2

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2013-14

3. Amendment to Operating ____ and/or Capital Project _x___ appropriation.

Public Works	3/25/2014	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: to establish a project budget for the Park Ave Bridge project in the EDCIP.

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Debt Proceeds				
41003005 492000 Q1405	$0.00		$30,000.00	$30,000.00
Expenditures:				
Professional Services				
41003005 521002 Q1405	$0.00		$30,000.00	$30,000.00

ORDINANCE NO. 4288

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 25th day of March 2014.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Accept non-matching grant from N.C. Dept. of Crime Control and Public Safety for Hazardous materials Regional Response Team 6 – Asheville

Magdalen Bulleson
City Clerk

4

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2013-14

3. Amendment to Operating _x___ and/or Capital Project ____ appropriation.

Fire — 4. Requesting Department
3/25/2014 — 5. Today's Date
6. Department Head Signature

7. Comments/Purpose: to budget Norfolk Southern gift

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Private Donations				
11000111 483300	$0.00	$1,400.00	$1,400.00	$1,400.00
Expenditures:				
Supplies - Safety Equipment				
11000111 524003	$346,934.90	$2,360.85	$348,334.90	$1,400.00
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:
16. Ordinance Number:
17. Date Received in Budget & Research:
18. Date Sent to City Clerk:

19. Date Posted:
By:
Sheet #:

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4289

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 25th day of March, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Purchase of one van on behalf of Henderson County's Apple Country Transit System.

Magdalen Burleson
City Clerk

6

City of Asheville
Budget Amendment

1. Effective Date: 3/25/2014
2. Fiscal Year: FY2014

3. Amendment to Operating ____ and/or Capital Project __x__ appropriation

Transportation | 3/7/2014 | Jeff Moore, Interim Transportation Director

4. Requesting Department | 5. Today's Date

7. Comments/Purpose: To purchase a van for Henderson County's transit system - Grant NC-90-X395.

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue				
FTA Grant Revenue				
65100950-435507 T1402	$38,046.00	$0.00	$38,046.00	38,046.00
County Participation - Henderson Co.				
65100950-437000 T1402	$15,882.00	$0.00	$15,882.00	15,882.00
Expenditure-Machinery/Equipment				
65100950-614101 T1402	$53,928.00	$0.00	$53,928.00	53,928.00
			13. Balance of Transaction:	0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:
16. Ordinance Number:
17. Date Received in Buget & Research
18. Date Sent to City Clerk

19. Date Posted:
By:
Sheet #:

Must be received by Budget & Research 14 days prior to the City Council Meeting

BUDREVIS.XLS

ORDINANCE NO. 4290

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 25th day of March, 2014

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Budget amendment to establish a budget with funds received from the trust fund contributions from the WNC Veterans' Memorial Fund held by the Community Foundation of Western North Carolina for maintenance and repair of the WNC Veterans' Memorial located in Pack Square Park.

Magdalen Burleson
City Clerk

8

City of Asheville
Budget Amendment

1. Effective Date: 3/25/2014
2. Fiscal Year: 20013-14

3. Amendment to Operating ____ and/or Capital Project ____ appropriation.

4. Requesting Department	5. Today's Date	6. Department Head Signature
Parks & Recreation	3/12/2014	

7. Comments/Purpose: Budget amendment for WNC Veterans' Memorial at Pack Square Park

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Private Donation				
2200 0803 483304 R1302	0.00	$4,080.00	$4,080.00	$4,080.00
Contracted Service				
2200 0803 521001 R1302	0.00	$0.00	$3,000.00	$3,000.00
Materials				
2200 0803 524101 R1302	0.00	$0.00	$1,080.00	$1,080.00
			13. Balance of Transaction:	$8,160.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4291

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 25th day of March, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Move expenses for 3 Parks & Rec Projects into Capital Project Fund

Magdalen Burleson
City Clerk

10

City of Asheville

Budget Amendment Details

1. Effective Date:

2. Fiscal Year: **2013-14**

3. Amendment to Operating __X__ and/or Capital Project _X__ appropriation.

4. Requesting Department	5. Today's Date	6. Preparer's Name
		EMW

7. Comments/Purpose: Move expenses for three Parks and Rec project into Capital Project Fd

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Transfer From General Fund				
41090803-498100 R1405	$0	$0	$27,000	$27,000
Transfer From General Fund				
41090803-498100 R1406	$0	$0	$22,850	$22,850
Transfer From General Fund				
41090805-498100 R1407	$0	$0	$188,099	$188,099
Expenditures:				
Improvements other than buildings				
41000803-611102 R1405	$0	$0	$27,000	$27,000
Building				
41000803-612101 R1406	$0	$0	$22,850	$22,850
Building				
41000805-612101 R1407	$0	$0	$188,099	$188,099
Expenditures:				
Contracted Services				
11008003-521001	$459,185	$73,163	$221,236	($237,949)
Transfer to Captial Project Fund				
11090060-800410	$2,581,765	$0.00	$2,819,714	$237,949

13. Balance of Transaction: $475,898.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

ORDINANCE NO. 4292

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 25th day of March, 2014.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Budget amendment to cover costs of July 2013 severe storms

Magdalen Bulleson
City Clerk

12

City of Asheville

Budget Amendment Details

1. Effective Date: 03/25/20214

2. Fiscal Year: 2013-14

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

4. Requesting Department	5. Today's Date	6. Preparer's Name
Public Work	3/17/2014	

7. Comments/Purpose: Budget Amendment to Cover the Cost of Severe Storms, Flooding, Landslides, and Mudslides That Occurred July 3, 2013 through July 13, 2013

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
Restricted Intergov Fed Grants			$0	
41003002:435000:K1422	$0	$0	$421,745	421,745.21
Restrictd Intergv State Grants			$0	
41003002:436000:K1422	$0	$0	$140,582	140,581.74
Infrastructure			$0	
41000231:615101:K1422	$0	$0	$562,327	562,326.95
Restricted Intergov Fed Grants			$0	
41003002:435000:K1423	$0	$0	$486,605	486,604.61
Restrictd Intergv State Grants			$0	
41003002:436000:K1423	$0	$0	$162,202	162,201.54
Infrastructure			$0	
41000231:615101:K1423	$0	$0	$648,806	648,806.15
Restricted Intergov Fed Grants			$0	
41003002:435000:K1424	$0	$0	$208,692	208,691.95
Restrictd Intergv State Grants			$0	
41003002:436000:K1424	$0	$0	$69,564	69,563.98
Maintenance and Repairs			$0	
41003002:522001:K1424	$0	$0	$278,256	278,255.93
Restricted Intergov Fed Grants			$0	
41003002:435000:K1425	$0	$0	$233,346	233,345.65
Restrictd Intergv State Grants			$0	
41003002:436000:K1425	$0	$0	$77,782	77,781.88
Operating Transfer from General Fund			$0	
41093002:498100:K1425	$0	$0	$59,624	59,624.10
Professional Services			$0	
41003002:521002:K1425	$0	$0	$128	127.50
Contracted Services			$0	
41003002:521001:K1425	$0	$0	$340,793	340,793.14
Maintenance and Repairs			$0	
41000231:522001:K1425	$0	$0	$29,831	29,830.99
Restricted Intergov Fed Grants			$0	
22000231:435000:K1426	$0	$0	$21,985	21,984.78
Restrictd Intergv State Grants			$0	
22000231:436000:K1426	$0	$0	$7,328	7,328.26
Maintenance and Repairs			$0	
22000231:522001:K1426	$0	$0	$29,313	29,313.04
Restricted Intergov Fed Grants			$0	
22000110:435000:K1427	$0	$0	$2,625	2,624.75
Restrictd Intergv State Grants			$0	
22000110:436000:K1427	$0	$0	$875	874.91
Maintenance and Repairs			$0	
22000110:522001:K1427	$0	$0	$3,500	3,499.66

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

City of Asheville

Budget Amendment Details

1. Effective Date: 03/25/20214

2. Fiscal Year: 2013-14

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

4. Requesting Department	5. Today's Date	6. Preparer's Name
Public Work	3/17/2014	

7. Comments/Purpose: Budget Amendment to Cover the Cost of Severe Storms, Flooding, Landslides, and Mudslides That Occurred July 3, 2013 through July 13, 2013

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
Restricted Intergov Fed Grants			$0	
22000231:435000:K1428	$0	$0	$15,450	15,449.63
Restrictd Intergv State Grants			$0	
22000231:436000:K1428	$0	$0	$5,150	5,149.88
Oper Transfer from General Fund			$0	
22000231:498100:K1428	$0	$0	$70	70.38
Maintenance and Repairs			$0	
22000231:522001:K1428	$0	$0	$20,670	20,669.88
Fed Revenue Distribut - FEMA			$0	
62200314:435997:	$0	$0	$5,283	5,282.80
State Revenue Distri - FEMA			$0	
62200314:436997:	$0	$0	$1,761	1,760.93
Contra Maint. And Repairs			$0	
62200314:522997:	$0	$0	$7,044	7,043.73
Restricted Intergov Fed Grants			$0	
22000803:435000:K1428	$0	$0	$6,023	6,023.14
Restrictd Intergv State Grants			$0	
22000803:436000:K1428	$0	$0	$2,008	2,007.71
Maintenance and Repairs			$0	
22000803:522001:K1428	$0	$0	$8,031	8,030.85
Restricted Intergov Fed Grants			$0	
62500320:435000:K1428	$0	$0	$4,593	4,593.50
Restrictd Intergv State Grants			$0	
62500320:436000:K1428	$0	$0	$1,531	1,531.17
Maintenance and Repairs			$0	
62500320:522001:K1428	$0	$0	$6,125	6,124.66
Restricted Intergov Fed Grants			$0	
22000231:435000:K1429	$0	$0	$34,644	34,644.48
Restrictd Intergv State Grants			$0	
22000231:435000:K1429	$0	$0	$11,548	11,548.16
Maintenance and Repairs			$0	
22000231:522001:K1429	$0	$0	$46,193	46,192.64
			$0	
			$0	
			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

14

City of Asheville

Budget Amendment Details

1. Effective Date: 03/25/20214

2. Fiscal Year: **2013-14**

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

Public Work	3/17/2014	
4. Requesting Department	5. Today's Date	6. Preparer's Name

7. Comments/Purpose: Budget Amendment to Cover the Cost of Severe Storms, Flooding, Landslides, and Mudslides That Occurred July 3, 2013 through July 13, 2013

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
Restricted Intergov Fed Grants			$0	
22000310:435000:S1421	$0	$0	$104	104.15
Restrictd Intergv State Grants			$0	
22000310:436000:S1421	$0	$0	$35	34.72
Maintenance and Repairs			$0	
22000310:522001:S1421	$0	$0	$139	138.87
Restricted Intergov Fed Grants			$0	
62503201:435000:S1421	$0	$0	$25,753	25,753.01
Restrictd Intergv State Grants			$0	
62503201:436000:S1421	$0	$0	$8,584	8,584.34
Oper Transfers from Stormwater			$0	
62503201:498624:S1421			$3,531	3,531.23
Maintenance and Repairs			$0	
62500320:522001:S1421	$0	$0	$130	129.91
Maintenance and Repairs			$0	
62503200:522001:S1421	$0	$0	$303	303.21
Maintenance and Repairs			$0	
62503201:522001:S1421	$0	$0	$37,435	37,435.46
Restricted Intergov Fed Grants			$0	
62503201:435000:S1420	$0	$0	$260,763	260,763.18
Restrictd Intergv State Grants			$0	
62503201:436000:S1420	$0	$0	$86,921	86,921.06
Maintenance and Repairs			$0	
62503201:522001:S1420	$0	$0	$347,684	347,684.24
			$0	
			$0	-
			$0	
			$0	-
			$0	
			$0	-
			$0	
			$0	-
			$0	
			$0	-
			$0	
			$0	-
			$0	
			$0	-

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

ORDINANCE NO. 4293

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 25th day of March, 2014

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Budget amendment to establish a budget with funds received from Nestle Purina Pet Care Company for improvements to the dog park at French Broad River Park.

Magdalen Burleson
City Clerk

16

City of Asheville
Budget Amendment

1. Effective Date: 3/25/2014
2. Fiscal Year: 2013-14

3. Amendment to Operating ____ and/or Capital Project ____ appropriation.

4. Requesting Department	5. Today's Date	6. Department Head Signature
Parks & Recreation	3/12/2014	

7. Comments/Purpose: Budget amendment for French Broad River Park dog park

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Private Donation				
2200 0803 483304 R1404	0.00	$0.00	$25,000.00	$25,000.00
Contracted Services				
2200 0803 521001 R1404	0.00	$0.00	$25,000.00	$25,000.00

ORDINANCE NO. 4294

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 25th day of March, 2014

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Budget amendment to increase the budget with funds received from the Friends of the WNC Nature Center for a picnic pavilion and restroom at the WNC Nature Center.

Magdalen Bourleson
City Clerk

18

City of Asheville
Budget Amendment

1. Effective Date: 3/12/2014
2. Fiscal Year: 2013-14

3. Amendment to Operating ____ and/or Capital Project __X__ appropriation.

4. Requesting Department	5. Today's Date	6. Department Head Signature
Parks & Recreation	3/12/2014	

7. Comments/Purpose: Budget amendment for picnic pavilion and restroom at WNC Nature Center

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Private Donation				
4100 8401 483304 R1411	0.00	$0.00	$28,170.00	$28,170.00
Contracted Services				
4100 8401 521001 R1411	76,057.89	$68,611.50	$104,227.89	$28,170.00

13. Balance of Transaction: $56,340.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4295

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 25th day of March, 2014.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

Martha McKibben
City Attorney

PURPOSE: Building Maintenance and Traffic Safety Funds held in Contingency

Magdalen Bourleson
City Clerk

20

City of Asheville

Budget Amendment Details

1. Effective Date: 3/25/2014

2. Fiscal Year: 2013-14

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

4. Requesting Department	5. Today's Date	6. Preparer's Name
Finance & Management Services	3/13/2014	

7. Comments/Purpose: Budget Amendment for Building Maintenance and Traffic Safety Funds Held in Contingency

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Appropriated Fund Balance			$0	
11000010:499100	$205,000	$205,000	$505,453	$300,453
			$0	
Expenditures:			$0	
Contracted Services			$0	
11002153:521001	$17,500	$17,500	$52,500	$35,000
Materials			$0	
11002153:524101	$117,500	$117,500	$152,500	$35,000
Maintenance and Repairs			$0	
11000131:522001	$224,728	$104,817.00	$455,181	$230,453
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
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			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

ORDINANCE NO. 4296

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 25th day of March, 2014.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

Martha McKlohon
City Attorney

PURPOSE: Program to strengthen neighborhood partnerships

Magdalen Bowlson
City Clerk

22

City of Asheville
Budget Amendment

1. Effective Date: 3/25/2014
2. Fiscal Year: 2014

3. Amendment to Operating __X__ and/or Capital Project ____ appropriation.

Sustainability
4. Requesting Department | **5. Today's Date** | **6. Department Head Signature**

7. Comments/Purpose: to budget for general energy programming and for the Chief's Energy Challenge

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Energy Efficiency Rebate	$0		$11,229	($11,229)
11000016 488014				
Expenditure:				
Green Contingency	$243,325		$253,251	$9,926
11000232-528013				
Maintenance & Repair	$4,312		$5,615	$1,303
11000016 522002				

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:
16. Ordinance Number:
17. Date Received in Budget & Research:
18. Date Sent to City Clerk:

19. Date Posted:
By:
Sheet #:

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4297

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 25th day of March 2014.

Magdalen Bullison
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Use of State Drug Seizure Funds to purchase electronic monitoring and surveillance and forensic software for the Asheville Police Department

Magdalen Bullison
City Clerk

24.

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2013/14

3. Amendment to Operating ____ and/or Capital Project _x___ appropriation.

4. Requesting Department	5. Today's Date	6. Department Head Signature
Police	3/25/2014	

7. Comments/Purpose: **State Forfeiture Funds P0912**
Electronic monitoring and cellular data recovery

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
22000120-437105 P0912	396,603.00		$424,603.00	$28,000.00
Other Loc Partic St Seizure				
22000120-524001 P0912	131,467.00		$159,467.00	$28,000.00
Supplies - Other				

ORDINANCE NO. 4298

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 25th day of March, 2014.

Magdalen Bronson
City Clerk

Mayor

Approved as to form:

Martha McMahon
City Attorney

PURPOSE: Outside Legal Expenses

Magdalen Bronson
City Clerk

26

City of Asheville

Budget Amendment Details

1. Effective Date: 3/25/2014

2. Fiscal Year: 2013-14

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

4. Requesting Department	5. Today's Date	6. Preparer's Name
Finance & Management Services	3/13/2014	

7. Comments/Purpose:	Budget Amendment in the amount of $95,000 from unassigned fund balance to appropriate funding for outside legal services that have exceeded the initial budget.

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Appropriated Fund Balance			$0	
11000010:499100	$505,453	$505,453	$600,453	$95,000
			$0	
Expenditures:			$0	
Legal Services			$0	
11000020:521003	$30,000	($29,031)	$125,000	$95,000
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
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			$0	
			$0	
			$0	
			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

ORDINANCE NO. 4299

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 8th day of April 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

Martha McGlohon
City Attorney

PURPOSE: Accept funds donated to APD

Magdalen Burleson
City Clerk

28

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2013/14

3. Amendment to Operating ____ and/or Capital Project __X__ appropriation.

Asheville Police Department — 4/15/2014

4. Requesting Department — 5. Today's Date 6. Department Head Signature

7. Comments/Purpose: Private Donation

8. Account Number			9. Beginning Budget	10. Account Sum Balance	11. New Budget	12. Increase or Decrease by
Org Code	Object Code	Project Code				
Revenue:						
Private Donations						
22000121	483300	P9999	($23,137)		$215	$215
Expenditure:						
Supplies - Other						
22000122	524001	P9999	$5,000		$215	$215

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:
16. Ordinance Number:
17. Date Received in Budget & Research:
18. Date Sent to City Clerk:

19. Date Posted:
By:
Sheet #:

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4300

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 8th day of April, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

Martha McGlohon
City Attorney

PURPOSE: US Cellular Center

Magdalen Burleson
City Clerk

30

City of Asheville

Budget Amendment Details

1. Effective Date: 4/8/2014

2. Fiscal Year: 2013-14

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

US Cellular Center — 4. Requesting Department

3/26/2014 — 5. Today's Date

6. Preparer's Name

7. Comments/Purpose: Budget amendmentfor the US Cellular Center Operating Revenue, to increase the budget to reflect updated Fiscal Year 2013-14 revenue and expenditure projections

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Rents - Auditorium			$0	
62600900-450308	$145,000	$88,524	$164,500	$19,500
Civic Ctr Ticket Office Hdlng			$0	
62600903-450359	$0	$6,019	$175,500	$175,500
Concessions - Beer & Wine			$0	
62600904-450508	$310,000	$177,208	$545,000	$235,000
			$0	
Expenditures:			$0	
Maintenance and Repairs			$0	
62600900-522001	$15,500	$14,393	$145,500	$130,000
Purch Resale - Vending Machine			$0	
62600904-526205	$0	$0	$300,000	$300,000
			$0	
			$0	
			$0	
			$0	
			$0	
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			$0	
			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

ORDINANCE NO. 4301

ORDINANCE ADOPTING THE FISCAL YEAR 2014-15 FEES & CHARGES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the attached Fiscal Year 2014-15 fees and charges, attached to and made a part of this ordinance, be adopted.

That this ordinance shall be in full force and effect upon July 1, 2014.

Read, approved and adopted this 8th day of April, 2014.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

Item or Service	Current Fee	Proposed New Fee	Additional Revenue
General Fund			
Economic Development			
Alcohol Sales at Events/Use is Permitted	N/A	$100.00 per applications	$ 2,500
Planning & Development			
Sales of Materials & Services (Maps, UDO Books, Ordinances & Supplements)	$10.00 per hour	Same fee as copies of standard maps, plus $30.00 per hour for labor	$ 100
Zoning Compliance Letter	$25	$33.65	$ 865
Minor Amendment to Major Work CA's	None	$25	$ 150
Public Works			
Driveway Entrance Construction	$50.00 per hour	$120.00 per hour	$ 8,100
Sale of Materials & Services- Traffic Control Rentals			
. Pickup	$12.00 per hour	$20.00 per hour	$ 690
. Aerial Bucket	$20.00 per hour	$23.50 per hour	
Street Grade Adjustments			
a. Manholes	$350.00 per manholes	$414.00 per manholes	
b. Meter Boxes	$150.00 per meter box	$385.00 per meter box	
c. Storm Grate	n\a	$950.00 per storm grate	
d. Valves	n\a	$150.00 per valve	$ 33,000
e. Water, sewer lines Utility Poles and Underground Utility conduit	Full Cost (estimate provided in advance of work beginning)	Full Cost (estimate provided in advance of work beginning)	

Item or Service	Current Fee	Proposed New Fee	Additional Revenue
Public Works (Cont)			
Right of Way Cut Permit			
a. Failure to Obtain	n\a	$ 250.00 initial plus $ 100.00 Daily after Initial	$ 13,000
b. Exceeding Time	n\a	$ 100.00 per day	
c. Penalty Max	n\a	$5,000.00	
Parks & Recreation			
Recreation Program Participation:			
Children & senior citizens	No charge or a minimal charge for materials	Resident and Non-Resident fees established through analysis of operational and administrative costs and based on market rate	$ -
Senior citizens participating with other adults	Same fee as other adults; the only exception being AB Tech co-sponsored classes	Resident and Non-Resident fees established through analysis of operational and administrative costs and based on market rate	$ -
Adults	Fee covers cost of materials & instructions	Resident and Non-Resident fees established through analysis of operational and administrative costs and based on market rate	$ -
Development Services			
Taxicab Owners Certificates:			
Application Amendment	$ 2.50	$10.00	$ -
Annual Renewal of Certificate	$ 5.00	eliminate	$ -
Taxicab Driver's Permits			$ -
wording change	Issuance of original permit	Issuance of permit	
wording change	Renewal/Transfer	Application Amendment/Transfer	
Rebates:			
Residential Unit(s) 100% Accessible (type B beyond Code Requirements)	$100 per unit	eliminate	$ -

Item or Service	Current Fee	Proposed New Fee	Additional Revenue
Development Services (Cont)			
Senior Citizen Change out Rebate	$50 rebate for 65 year old or older homeowners for HVAC, water heater, etc. change outs upon supplying information	eliminate	$ -
Residential Change Out (same contractor)	$ 100.00	$75.00	
Police			
Pet Quarantee Fee	n\a	$25 plus $15 per day	$ 19,950
Parking Fund			
Meter reservation fees	$15.00 per day per space	$18.00 per day per space	$ 3,600
Validation Tickets	$1.00 per ticket	$1.25 per ticket	$ 5,000
US Cellular Center			
Lobby Rental	N/A	$500.00 per day.	$ 3,000
Facility Fee (Online Sales only)	$2.00/Ticket	$2.50/Ticket	offset new tax
Labor Crew Supervisor	N/A	$20.00 per hour	$ 4,000
Event Staff			
a. Door Guards	$11.00 per hour	$12.00 per hour	
b. Ushers	$11.00 per hour	$12.00 per hour	$ 10,000
c. Ticket Takers	$11.00 per hour	$12.00 per hour	
d. Fire Watch	N/A	$25.00 per hour	

Item or Service	Current Fee	Proposed New Fee	Additional Revenue
US Cellular Center (Cont)			
System Offline' Fire Alarm Permit	N/A	$45 per hour	
Loading Area Closure Permit	N/A	$50 per day	
International Assosication of Theatrical and Staging Employees			
a. Steward	$24.57 per hour	$25.55 per hour	
b. Electrician	$28.35 per hour	$29.48 per hour	
c. Rigger	$31.90 per hour	$33.18 per hour	
d. Flyman	$24.57 per hour	$25.55 per hour	
e. loader	$22.05 per hour	$22.93 per hour	
f. house light operator	$22.05 per hour	$22.93 per hour	
g. Stage Hand	$19.53 per hour	$20.31 per hour	
h. Wardrobe	$19.53 per hour	$20.31 per hour	
i. spot operator	$22.05 per hour	$22.93 per hour	
j. Sound Tech	$21.79 per hour	$22.66 per hour	$ 12,000
E-Blast Marketing	N/A	$150 for Newsletter	
E-Blast Marketing	N/A	$200 Featured	$ 8,000
Wireless Internet Hook up	$150 per day	$150 hook up fee which includes first day use, each additional day charged at $50 per day	$ 1,500

Item or Service	Current Fee	Proposed New Fee	Additional Revenue
Water Fund			
Utility Charges (per Ccf)			
Single Family Residential	$ 3.81	$ 3.87	
Irrigation	$ 3.92	$ 4.08	
Multi-Family Residential	$ 3.22	$ 3.27	
Commercial (</= 1,000 CCF monthly)	$ 3.22	$ 3.27	
Commercial (> 1,000 CCF monthly)	$ 1.74	$ 1.80	
Commercial (</= 2,000 CCF bimonthly)	$ 3.22	$ 3.27	
Commercial (> 2,000 CCF bimonthly)	$ 1.74	$ 1.80	
Manufacturer (</= 1,000 CCF monthly)	$ 3.22	$ 3.27	
Manufacturer (> 1,000 CCF monthly)	$ 1.69	$ 1.75	
Manufacturer (</= 2,000 CCF bimonthly)	$ 3.22	$ 3.27	
Manufacturer (> 2,000 CCF bimonthly)	$ 1.69	$ 1.75	
Wholesale	$ 0.99	$ 1.03	$ 362,083.00
Capital Improvement Fee (per meter size monthly)			
5/8 inch	$ 3.86	$ 3.92	
3/4 inch	$ 4.41	$ 4.48	
1 inch	$ 52.94	$ 53.74	
1 1/2 inch	$ 88.23	$ 89.56	
2 inch	$ 154.41	$ 156.72	
3 inch	$ 485.28	$ 492.56	
4 inch	$ 849.25	$ 861.99	
6 inch	$ 1,091.89	$ 1,108.27	
8 inch	$ 1,334.53	$ 1,354.55	
10 inch	$ 1,577.18	$ 1,600.83	$ 96,332
Taps & Connections	see attached	see attached	$2,000 to $4,000
Illegal Use of Fire Hydrants (Unauthorized Fire Hydrant Use)	$250 + damages	$940.00 + hydrant damage costs	$3,450 to $6,900

Item or Service	Current Fee	Proposed New Fee	Additional Revenue
Water Fund (Cont)			
Hydrant Flow Test	To be done annually, $50.00 if extra test required	$ 75.00	
	$52 for new development	$ 75.00	$ 460
Transit Services Fund			
Annual Pass			
Adult	$ 220	$ 238	
Discount	$ 110	$ 119	
Monthly Pass			
Adult	$ 20	$ 25	
Discount	$ 10	$ 12.50	$ 50,000

37-A

FEES AND CHARGES WORKSHEET

DEPARTMENT: Water Resources **DIVISION:** Meter Services

Revenue Name: Taps and Connections

Account Code: 61000914 - 450704

Current Fee: **New Tap and Meter**

		Labor & Materials	Total Tap & Meter Fee
1" tap - 1" meter		$ 1,405.00	$ 4,482.40
2" tap - 1 1/2" meter		$ 1,676.00	$ 7,676.24
2" tap - 2" meter		$ 2,004.00	$ 11,501.36
Meter Changes: Meter Reduction	1.5" and less	$300.00	
	2" and above	Cost recovery (give customer written) estimate before doing work)	

Proposed Fee: **New Tap and Meter**

		Labor & Materials	Total Tap & Meter Fee
1" tap - 1" meter		$ 1,883.50	$ 4,980.04
2" tap - 1 1/2" meter		$ 2,154.50	$ 8,173.88
2" tap - 2" meter		$ 2,482.50	$ 11,999.00
Meter Changes: Meter Reduction	All sizes	Cost recovery (customer will be provided with written estimate)	

Additional Revenue from Fee Change: $2,000 to $4,000

Describe the service for which the fee is/will be charged:
1-inch, 1 1/2-inch, and 2-inch taps and meters. Cost recovery in labor & materials for use and installation of new Pollard Meter Box.

Explain reason for increase:
New standard detail and specification requires that new 1-inch, 1 1/2-inch, and 2-inch meter settings be set with new Pollard meter box. Cost of new Pollard box is $671.00 per meter setting. Fee will increase $671.00 minus $192.50 (the cost of the old meter box setting already figured in fees and charges). Total fee increase will be $478.50 for each 1-inch, 1 1/2-inch, and 2-inch meter setting.

Provide names and positions of personnel, including administrative staff, directly involved in administering or delivering the service associated with this fee. Also include the total number of hours spent on an annual basis to provide this service. (Staff members' names are needed because actual costs are determined based on actual salary figures and actual hours spent).

Name	Position	Total # of hrs spent annually

Number of customers receiving this service: 5 to 10 average annually

Number of transactions associated with this fee per year: 5 to 10 on average

List operating expenses associated with this fee (ex. telephones, copying, supplies, etc.): Materials (Pollard Box)

ORDINANCE NO. 4302

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 22nd day of April 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

Martha McKlelson
City Attorney

PURPOSE: To allocate funds from the general fund to the project budget for the Multimodal Transportation Plan project.

Magdalen Burleson
City Clerk

39

City of Asheville
Budget Amendment

1. Effective Date: 4/22/2014
2. Fiscal Year: 2013-2014

3. Amendment to Operating ____ and/or Capital Project __X__ appropriation.

TRANSPORTATION	4/22/2014	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: To enter into general services contract with Kimley-Horn & Assoc for the development of Multimodal Transportation Plan for COA.

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Restricted Intergv State Grants				
22000210-436xxx-Q1407	0.00	$0.00	$200,000.00	$200,000.00
Operating Transfers from General Fd				
22090210-498100-Q1407			$136,000.00	$136,000.00
Expenditure:				
Contracted Services				
22000210-521001-Q1407	0.00	$0.00	$336,000.00	$336,000.00
General Fund				
Expenditure:				
Transfer to Grant Fund				
11090060 800220	50,000.00	$50,000.00	$136,000.00	$86,000.00
Transfer to Capital Projects Fund				
11090060 800410	2,819,714.00	$2,117,206.00	$2,733,714.00	($86,000.00)

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4303

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 22nd day of April, 2014.

Magdalen Bullion
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Budget amendment to increase the budgets for:
1) Park Maintenance $2,801.00
2) Aston Tennis Center $850.00

Magdalen Bullion
City Clerk

41

City of Asheville
Budget Amendment

1. Effective Date: 4/22/2014
2. Fiscal Year: 2013-2014

3. Amendment to Operating __X__ and/or Capital Project ____ appropriation.

Parks & Recreation Dept — 4/11/2014

4. Requesting Department — 5. Today's Date — 6. Department Head Signature

7. Comments/Purpose: Parks & Recreation Dept Donations
1) $850 Aston Tennis Center, 2) $2801 Park Maintenance

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Aston Tennis Center				
Private Donations				
11008403 483300	0.00	$0.00	$850.00	$850.00
Supplies-Other				
11008403 524001	23,200.00	$18,039.00	$24,050.00	$850.00
Park Maintenance				
Private Donations				
11000803 483300	0.00	$600.00	$2,801.00	$2,801.00
Supplies-Other				
11000803 524101	49,183.00	$8,673.00	$51,984.00	$2,801.00
			13. Balance of Transaction:	$7,302.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:
16. Ordinance Number:
17. Date Received in Budget & Research:
18. Date Sent to City Clerk:

19. Date Posted:
By:
Sheet #:

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4304

ORDINANCE APPROVING THE SIGN PACKAGE FOR 800 BREVARD ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, pursuant to Sec. 7-13-10 of the Unified Development Ordinance, the City Council may, at its sole discretion, approve a signage plan for certain development projects; and

WHEREAS, following a public hearing held on April 22, 2014, the Asheville City Council determined that it is in the interest of the City to adopt a comprehensive sign package for the proposed Asheville Outlets at 800 Brevard Road;

WHEREAS, the approval of this sign package is consistent with the City's 2025 Comprehensive Plan and other official plans of the City for the reasons set out in the staff report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as it:

a) Addresses a unique need and context for signage at a particular development site.
b) Provides enhanced directional and entrance identification promoting safer way-finding to and around the site.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The sign package attached hereto as Exhibit C be approved as the official sign regulations for the site at 800 Brevard Road.

Section 2. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. This ordinance is effective upon adoption.

Read, approved, and adopted this 22nd day of April, 2014.

Magdalen Burleson
City Clerk

Mayor

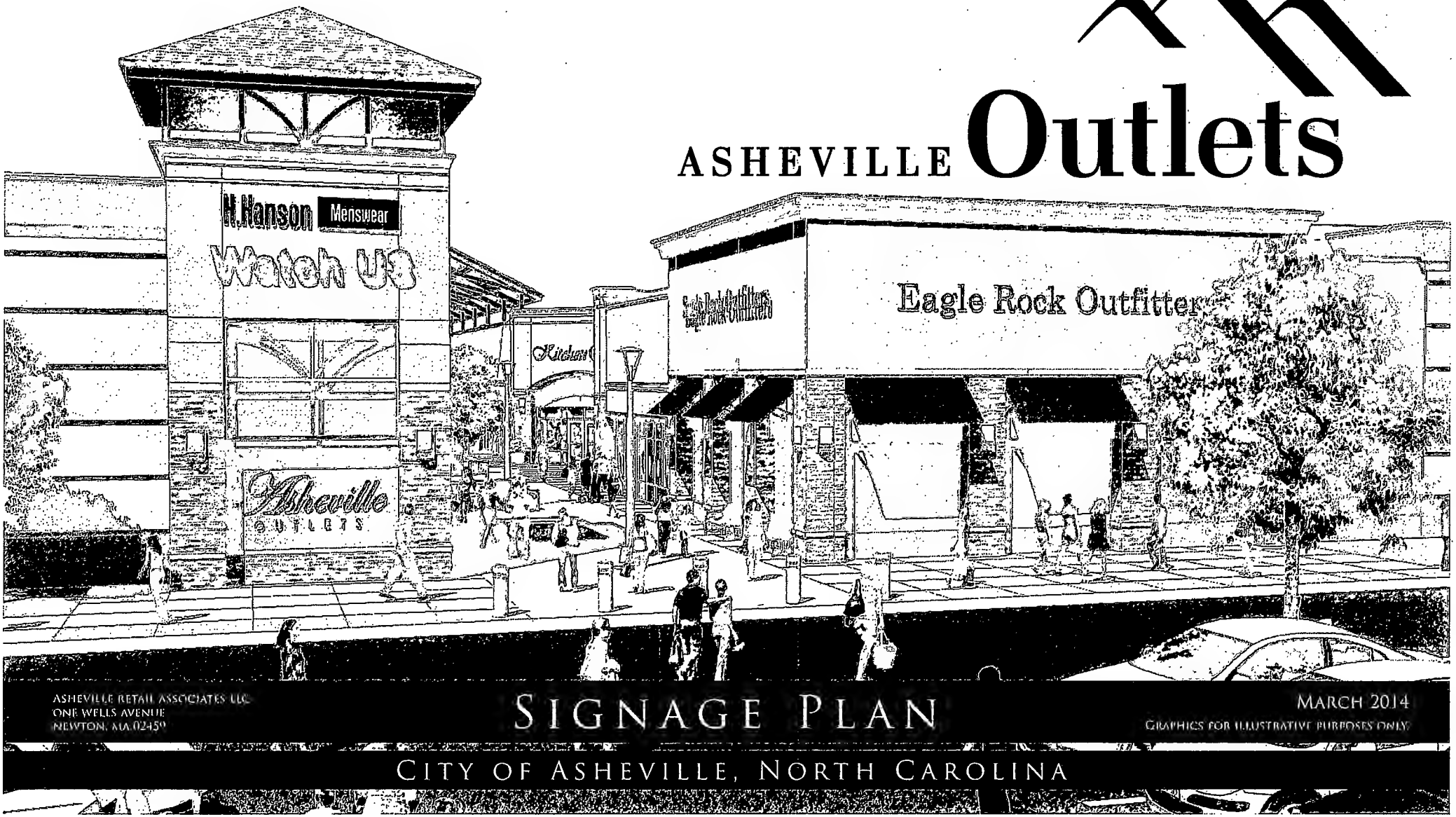
Approved as to form:

Martha McMahon
City Attorney

Magdalen Burleson
City Clerk

"EXHIBIT C"

ASHEVILLE Outlets



ASHEVILLE RETAIL ASSOCIATES LLC
ONE WELLS AVENUE
NEWTON, MA 02459

SIGNAGE PLAN

MARCH 2014

GRAPHICS FOR ILLUSTRATIVE PURPOSES ONLY

CITY OF ASHEVILLE, NORTH CAROLINA

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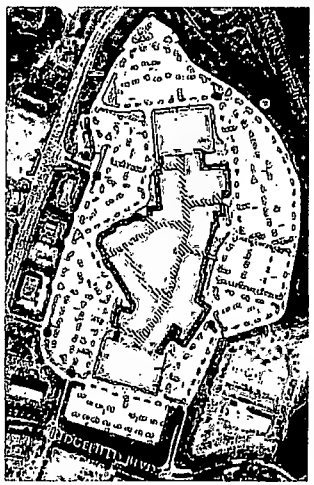


Signage Location Map

- Sign Type 1 — Freestanding Development Identification Directional Pole Sign
- Sign Type 2 — Freestanding Development Identification Directional Ground Sign
- Sign Type 3 — Freestanding Joint Identification Ground Sign
- Sign Type 4 — Freestanding Development Identification Ground Sign
- Sign Type 5 — Development and Tenant Identification Attached Signs (Wall, Projecting, Window, Awning and Canopy)
- Sign Type 6 — Banners
- Sign Type 7 — Vehicular Directional Signs
- Sign Type 8 — Parking Area Location Signs (locations to be determined)
- Sign Type 9 — Service Door Identity Signs
- Internal Pedestrian Corridor

Signage Plan Introduction

Located east of Brevard Road, west of Interstate 26, north of Ridgefield Boulevard and comprised of 44 acres, Biltmore Square Mall was originally developed in 1989 as an indoor regional mall anchored by Hess and Proffitt's. The almost half million square foot mall was largely successful during the 1990's but experienced a decline in occupancy over the past decade as newer, pedestrian-oriented outdoor shopping venues were developed in the area. Today, there are only a handful of tenants operating at the mall. New England Development and Tremont Realty Capital are redeveloping the property and plan to transform the underutilized Biltmore Square Mall into a vibrant, rebranded development to be known as Asheville Outlets. The transformation of the Mall will most notably include the removal of portions of the roof to create outdoor pedestrian-oriented corridors, the amenitization of the pedestrian corridors with benches, lighting and landscaping, and the rebranding of the property through an effective use of architecture and signage.

As an outlet center, it is anticipated that the development's mix of retail, restaurant and other commercial uses will attract tourists and customers from Buncombe County and the surrounding communities, providing a regional attraction to the City. As permitted by Section 7-13-10 of the City of Asheville ("City") Unified Development Ordinance ("UDO"), the applicant is presenting the Asheville Outlets Signage Plan ("Signage Plan") to allow creativity in sign design and sign placement. The Signage Plan presented herein is a comprehensive sign program that includes nine (9) Sign Types, to be generally located as illustrated on the Signage Location Map on Page 1. Much of the proposed signage replaces existing outdated signage located on the property. Collectively, the proposed signage promotes wayfinding, fosters the rebranding of the property, and establishes a sense of place within a dynamic outlet development.

The development enjoys frontage on three roadways - Interstate 26, Brevard Road and Ridgefield Boulevard. However, the existing conditions severely limit the visibility of the development from these roadways. The development is essentially located in a "bowl" as it is sited 10 to 50 feet lower than the surrounding roadways. In addition, the site is separated from Interstate 26 by thick foliage and from Brevard Road and Ridgefield Boulevard by multiple outparcels and vegetation. Limited visibility can prove to not only be detrimental to the viability of a commercial development, but can create dangerous conditions as visitors attempt to navigate to an unfamiliar site. In recognition of this, the Biltmore Square Mall has a series of wayfinding signs to safely direct the motorist to the site and safely direct the motorists once within the site. The Asheville Outlets Signage Plan proposes to renovate or replace all the Biltmore Square Mall wayfinding signs currently located adjacent to Interstate 26, Brevard Road and Ridgefield Boulevard, and within the Mall parking fields. These signs provide a series of markers which direct the visitor where to exit Interstate 26, where they can access the site once on Brevard Road or Ridgefield Boulevard, and guide them to the appropriate parking field to reach their intended retailer. Misdirected motorists reduce the efficiency of the surrounding roadways and can create unsafe traffic patterns. In addition to the replacement of the existing signs, the Signage Plan proposes an additional sign on Brevard Road to direct motorists from the north to which lane they need to be in to access the site, and proposes additional signs within the development to provide them with further direction to guide them to the appropriate parking fields to reach their intended retailer. The intent of these signs is to promote safe navigation to and within the site.

In addition to wayfinding, the Signage Plan presents an opportunity to promote a fresh, updated image for the dated development. The proposed signage for Asheville Outlets was carefully designed by Roll Barresi & Associates, a national, well-respected, graphic design studio, to reflect an updated image. As a unifying theme for the development, and as illustrated herein, the proposed signage utilizes the "Asheville Outlets logo", which is an image of a series of mountains echoing the surrounding Blue Ridge Mountains and the text "Asheville Outlets". The proposed signage reflects the local environment with the use of stone veneers and natural colors. The use of coordinated and consistent signage and images throughout the development promotes a fresh image and creates a sense of place.

The Signage Plan acts as the regulatory framework for the signage at the Asheville Outlets; however, where the Signage Plan is silent, the signage will be consistent with the City of Asheville UDO. Specifically, signs permitted by right pursuant to Article XIII, Sec. 7-13-2 (c), Sec. 7-13-2 (d), and Sec. 7-13-4 (a) of the UDO shall be permitted. Unless otherwise permitted herein, signs prohibited by Article XIII, Sec. 7-13-3 of the UDO shall be prohibited. An analysis showing how the proposed signage differs from what could be provided under the existing UDO regulations is on Page 21.

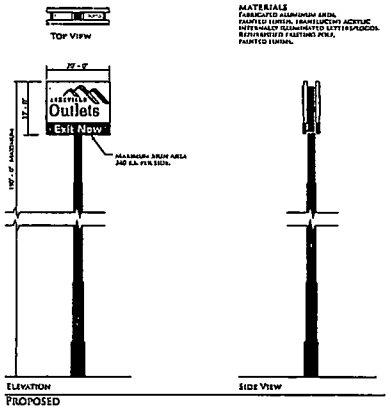
The graphics included herein are intended to illustrate the type of sign, basic dimensions and development logo; however, the sign design is subject to change. The specific design details such as panel dimensions, colors, materials, lettering style and logos for individual tenants, will be submitted as part of each Sign Permit. Tenant signage may be of any color, lettering style or logo. Signs located within internal pedestrian corridors or on façades facing internal pedestrian corridors, illustrated as hatched area on the Signage Location Map, shall not be regulated by the City.

ASHEVILLE OUTLETS
SIGNAGE PLAN

EXISTING

COLORS

MATERIALS



PROPOSED

Sign Type 1 Freestanding Development Identification Directional Pole Sign

An existing Freestanding Development Identification Pole Sign 110 foot high containing 340 square feet of sign area per side is located adjacent to Interstate 26. The sign was constructed in 1994 and is being utilized by the current development and is illuminated with pole mounted spot lights. The height, sign area and lighting are non-conforming per Section 7-13-8 and Section 7-13-4 of the UDO.

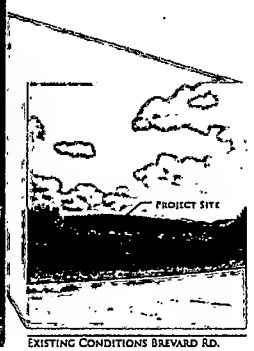
While the development is sited lower than the Interstate 26 roadway, due to the dense foliage between the roadway and the property the development cannot be seen by motorists travelling on Interstate 26. The Freestanding Development Identification Pole Sign that rises above the foliage acts as advance directional signage providing motorists confirmation that they have reached their destination and providing them enough time to maneuver to the exit ramp. The Freestanding Development Identification Pole Sign is similar in design to others found near the intersection of Brevard Road and Interstate 26. The applicant is requesting to renovate or replace the existing sign. The proposed Freestanding Development Identification Directional Pole Sign is consistent in sign area with the existing sign but utilizes the new identity of the development. To promote dark skies the sign is redesigned to replace the pole mounted spot lights with illuminated panels or faces, internally illuminated letters and/or compliant light sources.

Regulatory Requirements

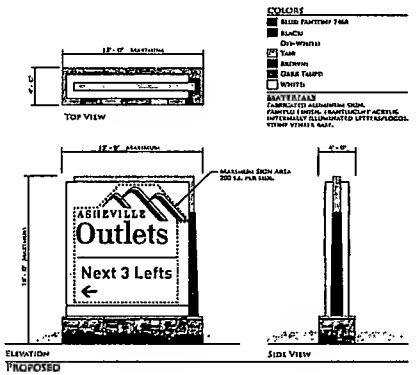
A Freestanding Development Identification Directional Pole Sign shall be permitted, as generally located on the Signage Location Map, provided the following conditions are met:

- Existing/Proposed Maximum Overall Height: 110 feet
- Existing/Proposed Maximum Sign Area per Side: 340 square feet
- Existing/Proposed Maximum Sides: 2 sides
- Existing/Proposed Minimum Distance from Curb Line: 85 feet
- Sign Content: May bear the name and/or logo of the development, and directional signage including text and symbols.
- Sign Illumination: If illuminated, the sign may only include internally illuminated panels or faces, internally illuminated letters and/or compliant light sources.

ASHEVILLE OUTLETS
SIGNAGE PLAN



EXISTING CONDITIONS BREVARD RD.



PROPOSED

SIGN TYPE 2 FREESTANDING DEVELOPMENT IDENTIFICATION DIRECTIONAL GROUND SIGN

The proposed Freestanding Development Identification Directional Ground Sign meets the sign area, height, setback and content regulations of the UDO.

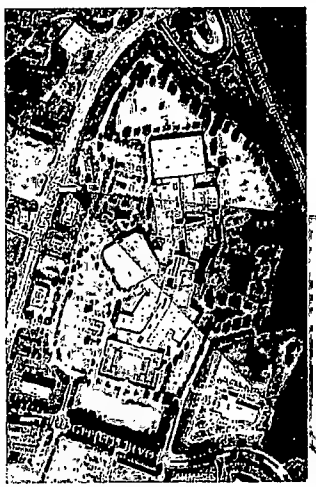
The development's primary frontage is Brevard Road, however due to change in topography and the presence of multiple outparcels and vegetation between Brevard Road and the development, the development has limited visibility from Brevard Road. There is a berm of significant height from the site's northern extent to the first vehicular access point on Brevard Road which impedes any view of the development from Brevard Road. It is expected that the new development will attract tourists and customers from surrounding communities that will generally use Interstate 26 to access the site. A Freestanding Development Identification Directional Ground Sign will be located on the berm perpendicular to the motorist's line of sight and will indicate that the development is located at the "next three lefts". The sign acts as advance directional signage to motorists exiting Interstate 26 by confirming they have reached their destination and providing them enough time to maneuver into the left-hand turn lane, which is only approximately 0.10 miles (500 feet) from the Interstate 26/Brevard Road intersection. The intent of this sign is to aid the motorist in the safe navigation to the site.

REGULATORY REQUIREMENTS

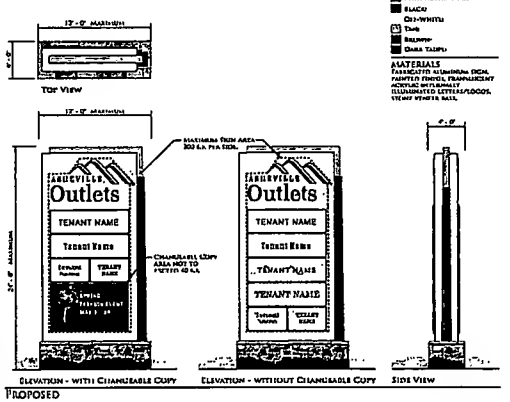
A Freestanding Development Identification Directional Ground Sign shall be permitted as generally located on the Signage Location Map, provided the following conditions are met:

- Maximum Height: 18 feet
- Maximum Width: 15 feet
- Maximum Sign Area per Side: 200 square feet
- Maximum Sides: 2 sides
- Minimum Distance from Curb Line: 15 feet
- Sign Content: May bear the name and/or logo of the development and may contain directional signage including text and symbols.
- Sign Illumination: The sign may include internally illuminated panels or faces, internally illuminated letters, pin-mounted halo-lit letters and/or compliant light sources.

ASHEVILLE OUTLETS
SIGNAGE PLAN



EXISTING



PROPOSED

SIGN TYPE 3 FREESTANDING JOINT IDENTIFICATION GROUND SIGN

An existing Freestanding Joint Identification Ground Sign 27 feet in height, containing 207 square feet of sign area per side inclusive of Changeable Copy is setback 30 feet from the Brevard Road curb line. The sign identifies the development and is being utilized by current mall tenants. The existing Freestanding Joint Identification Ground Sign is non-conforming in sign area and height.

The Freestanding Joint Identification Ground Sign is located at the primary entrance to the site and acts as the main development and tenant identification sign. The applicant shall be permitted to renovate or replace the existing sign provided the sign is reduced from 27 feet to a maximum of 24 feet high, while the UDO allows a sign 25 feet high. The sign area is reduced from 207 square feet to a maximum of 200 square feet to be in conformance with the UDO.

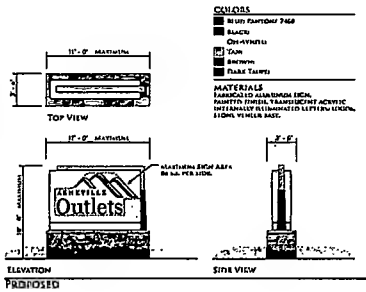
REGULATORY REQUIREMENTS

A Freestanding Joint Identification Ground Sign shall be permitted, as generally located on the Signage Location Map, provided the following conditions are met:

- Proposed Maximum Height: 24 feet (27 feet existing)
- Existing/Proposed Maximum Width: 12 feet
- Proposed Maximum Sign Area per Side: 200 square feet, inclusive of changeable copy, if provided
- Existing/Proposed Maximum Sides: 2 sides
- Existing/Proposed Minimum Distance from Curb Line: 30 feet
- Sign Content: May bear the name and/or logo of the development and/or name and/or logo of individual tenants located within the development. Changeable copy, if provided, may include copy text and graphics, but may not include the time, date or temperature. The Changeable Copy area may not exceed 40 square feet. Changeable copy, if provided, shall remain static for a minimum of four hours.
- Proposed Maximum Tenant Panels per Side: 6 tenant panels per side with varying sign area dimensions.
- Sign Illumination: The sign may include internally illuminated panels or faces, internally illuminated letters, pin-mounted halo-lit letters and/or compliant light sources. Changeable copy, if provided, will be LED and will meet the criteria outlined in Sec. 7-13-4 n. (14) of the City of Asheville UDO.

EXISTING ON RIDGEFIELD BLVD.

EXISTING ON BREVARD RD.



PROPOSED

SIGN TYPE 4 FREESTANDING DEVELOPMENT IDENTIFICATION GROUND SIGN

One (1) existing Freestanding Development Identification Ground Sign 11 feet in height, containing 86 square feet of sign area per side, is located adjacent to Brevard Road. One (1) existing identical Freestanding Development Identification Ground Sign is located adjacent to Ridgefield Boulevard. The signs are setback 21 feet and 17 feet from Brevard Road and Ridgefield Boulevard curb lines, respectively. The existing signs are in excess of the number of freestanding signs permissible for the site per the UDO.

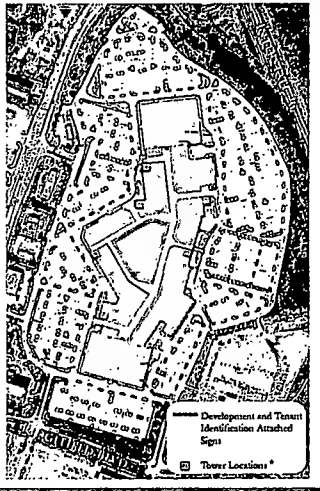
The development has two (2) vehicular access points on Brevard Road and two (2) on Ridgefield Boulevard, however, due to a change in topography and the presence of multiple outparcels and vegetation between Brevard Road and the development, the development has limited visibility from Brevard Road or Ridgefield Boulevard. These smaller secondary signs with only the Development Identification are proposed to replace the existing signs at the southern access point on Brevard Road and the first access point on Ridgefield Boulevard to indicate to motorists that they can also access the site from these locations. The intent of these signs is to aid motorists in the safe navigation to the site. The proposed signs are consistent in sign area and width as the existing signs, and the sign height has been reduced from 11 feet to a maximum of 10 feet.

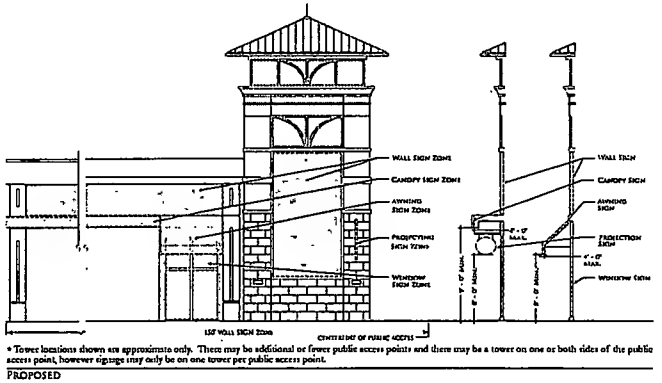
REGULATORY REQUIREMENTS

Freestanding Development Identification Ground Signs shall be permitted, as generally located on the Signage Location Map, provided the following conditions are met:

- Proposed Maximum Height: 10 feet (11 feet existing)
- Existing/Proposed Maximum Width: 11 feet
- Existing/Proposed Maximum Sign Area per Side: 86 square feet
- Existing/Proposed Maximum Sides: 2 sides
- Existing/Proposed Minimum Distance from Curb Line: 21 feet (Brevard Road), 17 feet (Ridgeway Boulevard)
- Sign Content: May bear the name and/or logo of the development.
- Sign Illumination: The signs may include internally illuminated panels or faces, internally illuminated letters, pin-mounted halo-lit letters and/or compliant light sources.

ASHEVILLE OUTLETS
CITY OF ASHEVILLE, NORTH CAROLINA
SIGNAGE PLAN





* Tower locations shown are approximate only. There may be additional or fewer public access points and there may be a tower on one or both sides of the public access point, however signage may only be on one tower per public access point.

PROPOSED

SIGN TYPE 5 DEVELOPMENT AND TENANT IDENTIFICATION ATTACHED SIGNS (WALL, PROJECTING, WINDOW, AWNING AND CANOPY)

The transformed development will have several public access points to the outlet buildings (which excludes Belk and Dillard's), over 2,700 parking spaces in the parking fields surrounding the development, and approximately 75 tenants. As is typical for Outlet developments, the public access points will be punctuated by architectural features or towers which provide focal points and provide the visitor a visual clue to locate the access points. The entrance features and towers and adjacent façades provide an opportunity to provide wayfinding signage that will enhance the visitor's shopping experience. The applicant shall be permitted a total permissible sign area for Development and Tenant Identification Attached Signs to be equivalent to 1 square foot of signage for every 1 linear foot of outlet building façade. The UDO allows for 1 square foot of signage for every 1 linear foot of building façade for each frontage with a primary entrance. All public entrances to the outlet buildings are considered primary. However, the UDO limits the total sign area per façade to 200 square feet and limits each façade to one sign, which does not allow for wayfinding signage.

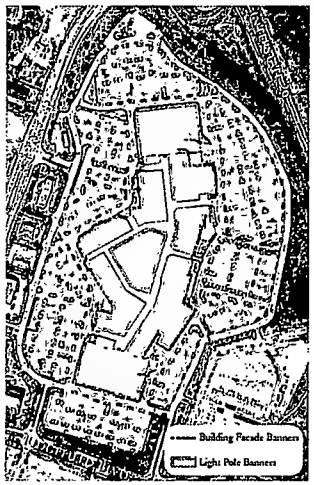
It should be noted that while the development has significant frontage on Brevard Road and Ridgefield Boulevard, due to change in topography and the presence of multiple outparcels and vegetation between Brevard Road and the development, the development and any façade signage have limited visibility from Brevard Road and Ridgefield Boulevard.

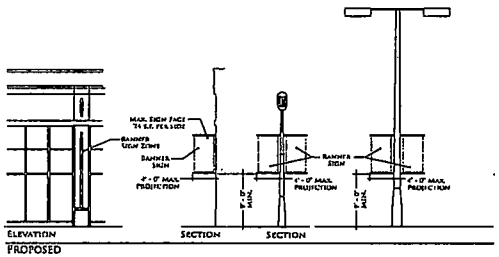
Signs located within internal pedestrian corridors or on façades facing internal pedestrian corridors, illustrated as hatched area on the Signage Location Map, shall not be regulated by the City.

REGULATORY REQUIREMENTS

Development and Tenant Identification Attached Signs, including Wall, Projecting, Window, Awning and Canopy Signs, shall be permitted on the exterior facades of the development, including the façade of any towers, as generally located on the Signage Location Map, provided the following conditions are met:

- Maximum Total Sign Area: One (1) square foot of sign area for every one (1) linear foot of exterior façade. The exterior façade linear distance shall be inclusive of all exterior building façades, excluding the façade of the northern and southern commercial anchors (currently Belk and Dillard's), for purposes of calculation of the total permissible sign area, as generally illustrated on the Signage Location Map. Where there are screen walls, the linear façade calculation shall not include the linear distance of the screen wall.
- Sign Area Allocation: The total permissible sign area may be utilized in any proportion near each of the proposed public access points, provided that the total area of the attached signs does not exceed the total permissible sign area. The "public access points" are the points of public ingress/egress to the pedestrian corridors of the development.
- Signage Location: The permitted signage includes Wall, Projecting, Window, Awning and Canopy Signs. Development Identification and Tenant Identification signs shall be permitted within 150 feet of the centerline of public access points and shall be permitted to be located on all four (4) sides of any individual tower located at public access points. No signs on towers shall be permitted above 21 feet measured from the ground at the base of the tower. Tenant Identification signs shall be permitted within 50 feet of the entrance of an outlet building tenant with an exterior entrance.
- Sign Content: May bear the name and/or logo of individual tenants located within the development, and/or name and/or logo of the development.
- Minimum Clearance of Projecting, Awning or Canopy Sign Above Grade: 8 feet
- Maximum Projection of Wall Sign: 12 inches
- Maximum Projection of Projecting Sign: 4 feet
- Maximum Projection of Awning or Canopy Sign: 4 feet
- Sign Illumination: The signs may include internally illuminated panels or faces, internally illuminated letters, pin-mounted halo-lit letters and/or compliant light sources. Window Signs shall not be so illuminated.





PROPOSED

Sign Type 6 Banners

The proposed Banners meet the minimum and maximum sign area and minimum clearance regulations of the UDO. In most instances the Banners will be of a graphic or seasonal nature as permitted by the UDO. Banners shall also be permitted to contain development and tenant identification. The banners are proposed to enhance the visitor shopping experience by bringing decorative elements to the parking fields and pedestrian walkways. The banners also foster an updated identity for the development and a sense of place.

Regulatory Requirements

Permanent Banners shall be permitted on the exterior facades of the development and on parking lot and pedestrian sidewalk light poles at various locations within the development, provided the following conditions are met:

- Maximum Sign Area: 24 square feet per side
- Minimum Clearance Above Grade: 9 feet
- Maximum Projection: 4 feet
- Banner Content: Banners located on building facades may bear the name and/or logo of the development and/or name and/or logo of individual tenants located within the development, and/or may be of a graphic or seasonal nature. Banners located on light poles may not bear the name and/or logo of individual tenants located within the development but may bear the name and/or logo of the development and/or may be of a graphic or seasonal nature.

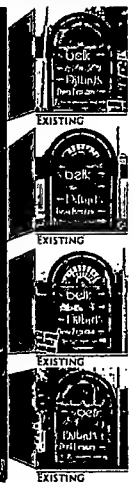
Banners on Light Poles

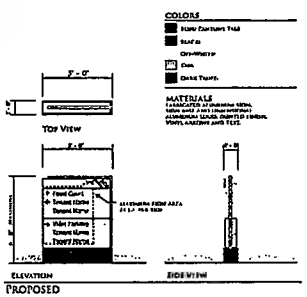
- Banner Location: Banners shall be permitted on all parking lot and pedestrian sidewalk light poles.
- Maximum Number: 20 Banners

Banners on Building Facade

- Banner Location: Banners shall be located with respect to building's architecture and shall not obscure windows. Banners shall not be permitted on any tower facades located above the parapet.
- Maximum Number: 20 Banners

ASHEVILLE OUTLETS
SIGNAGE PLAN





SIGN TYPE 7 VEHICULAR DIRECTIONAL SIGNS

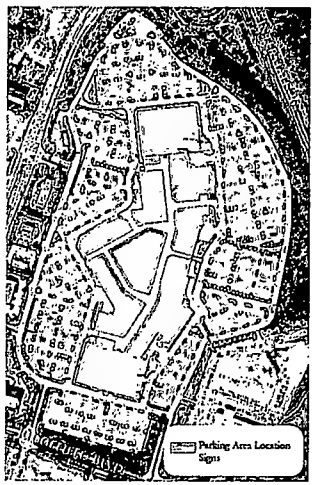
Four (4) existing Vehicular Directional Signs eight (8) feet high with 27 square feet of sign area are located within the vehicular circulation areas of the existing development. The signs are being utilized by current tenants. The existing Vehicular Directional Signs are non-conforming in sign area and height. Four (4) directional signs with four (4) square feet per face, three (3) feet tall are permissible per the UDO.

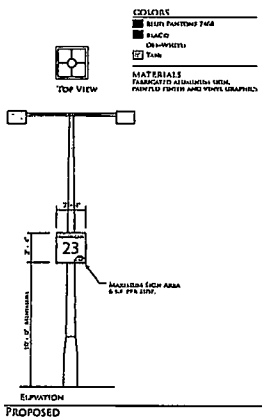
As is typical in large commercial developments, Vehicular Directional Signs are located at decision points to assure motorists that they are headed in the right direction and to foster safe vehicular navigation of the site. The allowances for Directional Signs in the UDO are not adequate to promote vehicular safety for a high-volume commercial development. The six (6) proposed Vehicular Directional Signs have been redesigned to be six (6) feet high with 24 square feet of sign area per side, which is a reduction from the existing eight (8) foot signs with 27 square feet of sign area per side.

REGULATORY REQUIREMENTS

Vehicular Directional Signs, located at parking area internal access points and intersections, shall be permitted to provide easily identifiable directions to the various destinations within the development, provided the following conditions are met:

- Maximum Number: 6
- Maximum Height: 6 feet
- Maximum Sign Area per Side: 24 square feet
- Maximum Sides: 2 sides
- Sign Content: May bear only the name and/or logo of the development and/or name and/or logo of individual tenants located within the development and directional arrows.
- Sign Illumination: The signs may include internally illuminated panels or faces, internally illuminated letters, pin-mounted halo-lit letters and/or compliant light sources.





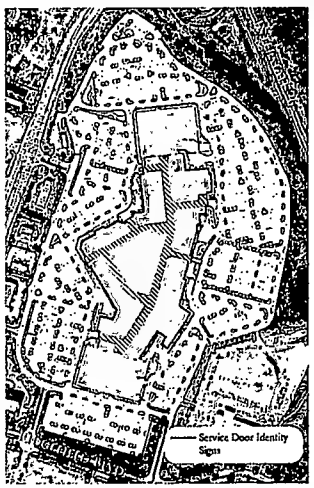
SIGN TYPE 8 PARKING AREA LOCATION SIGNS

The configuration of the development creates several different parking fields. As is typical in large commercial developments with this type of configuration, Parking Area Location Signs will be located within the parking fields for the safety and convenience of visitors to the development. This type of sign is not contemplated in the UDO.

REGULATORY REQUIREMENTS

Parking Area Location Signs shall be permitted to provide a systematic designation of parking fields within the development, provided the following conditions are met:

- Maximum Sign Area per Side: 6 square feet
- Maximum Sides: 4 sides
- Minimum Clearance: 10 feet
- Sign Placement: Mounted on parking lot light poles.
- Sign Content: Shall bear text to distinguish parking areas and may bear the name and/or logo of the development.
- Sign Illumination: Parking Area Location Signs shall not be illuminated.



SIGN TYPE 9 SERVICE DOOR IDENTITY SIGNS

ASHEVILLE OUTLETS
SIGNAGE PLAN

SIGN TYPE 9 SERVICE DOOR IDENTITY SIGNS

Exterior facing wall or door mounted signs on or near tenant rear service doors and on or near project ingress or egress corridor doors shall be permitted. These signs may include tenant names, space numbers, addresses, phone numbers, hours and similar information relevant to the use of the door or occupant, and include any text required by governmental authorities.

REGULATORY REQUIREMENTS

Service Door Identity Signs shall be permitted, provided the following conditions are met:

- Maximum Letter Height: 4 inches
- Maximum Number: 1 sign per service door
- Sign Illumination: Service Door Identity Signs shall not be illuminated.

ASHEVILLE OUTLETS
SIGNAGE PLAN

QUANITY	PROPOSED SIGN DETAILS	ASHEVILLE SIGN CODE REGULATIONS
TYPE 1 - FREESTANDING DEVELOPMENT IDENTIFICATION POLE SIGN		
1	Overall Height - Max. 110 feet (existing - no change) Sign Area - Max. 340 sf per face (existing - no change) Setback - 85 ft (existing - no change)	Requested Sign is additional Identification Sign
TYPE 2 - FREESTANDING DEVELOPMENT IDENTIFICATION DIRECTIONAL GROUND SIGN		
1	Number of Signs - 1 Height - Max. 18 feet Sign Area - Max. 200 sf per face Setback - 15 ft	Requested Sign is permissible Identification Sign #1 Height - Max. 25 feet Sign Area - Max. 200 sf per face Setback - 15 ft
TYPE 3 - FREESTANDING JOINT IDENTIFICATION SIGN (EXISTING)		
1	Number of Signs - 1 Height - Max. 24 feet (27 feet existing) Sign Area - Max. 200 sf per face, inclusive of maximum 40 sf of changeable copy per face (207 sf per face inclusive of changeable copy existing) Setback - 30 ft (existing - no change) 2nd permissible identificaiton sign is freestanding	Requested Sign is permissible Identification Sign #2 Height - Max. 25 feet Sign Area - Max. 200 sf per face Setback - 15 ft 2nd permissible Identification sign required to be attached sign.
TYPE 4 - FREESTANDING DEVELOPMENT IDENTIFICATION GROUND SIGNS (EXISTING)		
2	Height - Max. 10 ft (11 feet existing) Sign Area - Max. 86 sf per face (existing for both - no change) Setback - 21 feet (Brevard Road existing - no change) Setback - 17 feet (Ridgefield Blvd. existing - no change)	Requested Signs are additional Identification Signs
TYPE 5 - DEVELOPMENT AND TENANT IDENTIFICATION ATTACHED SIGNS (WALL, PROJECTING, WINDOW, AWNING AND CANOPY)		
TBD	Total Sign Area - Max. 1 sf of signage per 1 linear foot of outlet building façade Sign Allocation - Sign Area utilized near each of the proposed outlet building public access points. Sign Location - Development Identification and Tenant Identification signs shall be permitted within 150 feet of the centerline of public access points and shall be permitted to be located on all four (4) sides of any individual tower located at public access points. Tenant Identification signs shall be permitted within 50 feet of the entrance of an outlet building tenant with an exterior entrance. Projection Wall Sign - Max. 12 inches Projection Projecting Sign - Max. 4 feet Clearance Projecting Sign - Min. 8 feet	Total Sign Area - Max. 1 sf of signage per 1 linear foot of façade, up to a maximum of 200 sf Sign Allocation - Not addressed in Code Sign Location - Sign must be located on the façade with the public entrance for that business. Projection Wall Sign - Max. 12 inches Projection Projecting Sign - Max. 3 feet Clearance Projecting Sign - Min. 8 feet

QUANITY	PROPOSED SIGN DETAILS	ASHEVILLE SIGN CODE REGULATIONS
TYPE 6 - BANNERS		
Max. 20 on building façade Max. 20 on light poles	Sign Area - Max. 24 sf Clearance - Min. 9 ft Design - Design and material of high quality but varies with season and/or tenant. Content - Banners located on building facades may bear the name and/or logo of the development and/or name and/or logo of individual tenants located within the development, and/or may be of a graphic or seasonal nature. Banners located on light poles may not bear the name and/or logo of individual tenants located within the development but may bear the name and/or logo of the development and/or may be of a graphic or seasonal nature.	Sign Area - Max 24 sf Clearance - Min. 9 ft Design - All consistent in design and material Content - May not contain a commercial advertising message, name or logo.
TYPE 7 - VEHICULAR DIRECTIONAL SIGNS (EXISTING)		
6	Number of signs - Max. 6 (4 signs existing) Height - Max. 6 ft (8 feet existing) Sign Area - Max. 24 sf per face (27 sf existing)	Number of signs - 4 Height - Max. 5 ft Sign Area - Max. 4 sf per face
TYPE 8 - PARKING AREA LOCATION SIGNS		
TBD	Height - Min. 10 ft clearance Sign Area - Max. 6 sf per face	Not addressed in Code
TYPE 9 - SERVICE DOOR IDENTITY SIGNS		
TBD	Letter Height - Max. 4 inches Number of Signs - 1 per door Sign Placement - On door or wall mounted near door.	Not addressed in Code

57

ORDINANCE NO. 4305

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE CONCERNING LANDSCAPE STANDARDS APPLICABILTY

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Unified Development Ordinance of the City of Asheville currently provides landscape standards for new development and for expansions to existing developments; and

WHEREAS, it has been determined that these standards have proved excessive for large industrial operations proposing small expansions; and

WHEREAS, eliminating the application of excessive standards for industrial operations is beneficial for the City of Asheville; and

WHEREAS, this proposed change to the ordinance is determined to be reasonable and in the public interest in that it eliminates excessive landscape requirements/expenditure for small industrial expansions;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Chapter 7 of the Asheville Code of Ordinances be amended by adding a new subsection 7-11-3(b)(1.1)c. to read:

> Building expansions or additions occurring on properties zoned Commercial Industrial or Industrial that result in an expansion of less than 5 percent of the pre-expansion floor area or 3,000 square feet in size whichever is less, are not required to meet additional landscape standards. Cumulative expansions occurring over a three year period that exceed this threshold shall have to meet all applicable landscape standards.

Section 2. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. This ordinance is effective upon adoption.

Read, approved, and adopted this 22nd day of April, 2014.

Magdalen Bullerson
City Clerk

Mayor

Approved as to form:

Martha McGlohon
City Attorney

Magdalen Bullerson
City Clerk

59.

ORDINANCE NO. 4306

ORDINANCE AMENDING CHAPTER 10 (NUISANCES) OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE BY ADDING ARTICLE VI (REGULATION OF GRAFFITI)

WHEREAS, the City Council of the City of Asheville is authorized by N.C.G.S. §160A-174 to define, prohibit, regulate, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the City and may define and abate nuisances; and

WHEREAS, the City Council of the City of Asheville is authorized by N.C.G.S. §160A-175 and N.C.G.S. §160A-193 to impose fines and penalties for violation of its ordinances and to remove, abate, or remedy public health and safety nuisances within the City limits; and

WHEREAS, the City Council of the City of Asheville declares that the existence of graffiti on public and private property is a public nuisance as it is destructive of the rights and values of property owners as well as the entire community and a detriment to the health, safety, and welfare of its citizens; and

WHEREAS, there currently exists within the City, a graffiti removal program on City owned property; and

WHEREAS, the City Council of the City of Asheville finds it necessary and in the best interest of the health, safety, welfare and the peace and dignity of the City to expand the current graffiti removal program to private property in furtherance of the City of Asheville's strategic goal of making Asheville a safe and secure community;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Chapter 10 (Nuisances) of the Code of Ordinances of the City of Asheville is hereby amended by adding a new Article VI to read as follows:

Article VI. Regulation of Graffiti

Sec. 10-110. General.

(a) Purpose:

Graffiti is destructive of the rights and values of public and private property owners as well as the entire community. Unless the City Council acts to enforce removal of graffiti from public and private property, the graffiti tends to remain. Other properties then become the target of graffiti, entire neighborhoods are affected and become less desirable places in which to live, work and visit, all to the detriment of the City; and is hereby declared a public nuisance. The City Council intends through the adoption of this ordinance to provide additional enforcement tools to protect public and private property from acts of graffiti vandalism and defacement.

The City does not intend this ordinance to conflict with existing anti-graffiti state laws, including but not limited to malicious injury to property.

(b) Definitions:

(1) *Graffiti*: Writings, drawings, inscriptions, figures or marks of paint, ink, chalk, dye or other similar substances on public or private buildings, sidewalks, streets, structures, or places which are not authorized or permitted by the property owner or possessor. For the purposes of this chapter, graffiti shall include drawings, writings, markings or inscriptions regardless of the content or nature of materials used in the commission of the act. Provided however, this definition shall not be construed to prohibit temporary, easily removable chalk or other water soluble markings which are used in connection with traditional children's activities such as drawings of bases for ball games, hopscotch and similar activities, nor does it include temporary, easily removable markings used in connection with any lawful business or public purpose or activity and markings used to denote the location of underground utility infrastructure and those used in conjunction with establishing survey control data and location points by survey crews.

(2) *Perpetrator*: The person who engages in graffiti.

(3) *Property owner*: The owner of the property, such property owner's agent or any person in lawful control or possession of the property.

(4) *Person*: Any individual, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

(c) Use of Public Funds: Whenever the City becomes aware of or is notified and determines that graffiti is located on publicly or privately owned property viewable from a public or quasi-public place, the City shall be authorized to use public funds to assist in the removal, painting, obscuring or repairing of the graffiti.

Sec. 10-111. Graffiti Prohibited.

(a) It shall be unlawful for any person to place graffiti upon the surface of any public or private property.

(b) Any person who applies graffiti upon the surface of any public or private property is guilty of a misdemeanor and shall be subject to prosecution in accordance with N.C.G.S. §14 - 127 and N.C.G.S. §14-160. In addition to criminal prosecution, such person shall be subject to the additional enforcement provisions set forth herein.

(c) It shall be unlawful for any property owner to permit property that is defaced with graffiti to remain defaced; such property owner shall be subject to the civil enforcement provisions herein.

(d) It is the specific intent of this Article to regulate the placement of graffiti and the failure to remove graffiti as a civil violation only and not as a criminal violation. Provided however, nothing herein is intended to prevent, restrain or prohibit the criminal prosecution of graffiti perpetrators under the laws of the State of North Carolina.

Sec. 10-112. Removal Required.

(a) Immediate Removal: It is the responsibility of the property owner to immediately remove graffiti from the property owner's property. The property owner should not wait for the City to send a violation notice but shall take immediate and prompt action to remove the graffiti when applied.

(b) Removal by Property Owner: It shall be unlawful for any property owner to fail to remove or effectively obscure any graffiti upon property they own within seven (7) business days after receiving written notice from the City to remove such graffiti ("Notice to Remove"). Notice to Remove shall be served by personal delivery or by certified or registered mail, return receipt requested in conjunction with regular mail. If the regular mail is not returned within ten (10) days, service shall be deemed sufficient. Additionally, service hereunder may be made in accordance with Rule 4 of the North Carolina Rules of Civil Procedure. The Notice to Remove shall provide:

(1) The street address or other description of the property sufficient for property identification;
(2) A description and general location of the graffiti;
(3) A statement that the property is a public nuisance due to the existence of the graffiti;
(4) Statement that the graffiti must be removed or effectively obscured within seven (7) business days after receiving Notice to Remove and that if the nuisance is not so abated within that time, the City will abate the public nuisance at the cost of the Property Owner as set forth herein;
(5) Information identifying any graffiti removal assistance available through the City; and
(6) Information concerning the procedure for appeal of the Notice to Remove.

(c) Removal by City: If the City has provided Notice to Remove under subsection (b) above, and property owner fails and/or refuses to take advantage of any graffiti removal resources available through the City, as well as fails or refuses to remove or effectively obscure graffiti upon the property owner's property, the City may, after compliance with the requirements contained herein below, go upon the private property and remove the graffiti at the expense of the property owner. The City shall not clean, paint or obscure or repair any property containing graffiti more extensively than where the graffiti itself is located. The City shall not be

required to restore the area that contained graffiti, or any obscured area, to its original condition including conditions of color, texture, and finish. The cost of obtaining compliance with the requirements of this Article shall be a lien in accordance with N.C.G.S. §160A-193. Provided however nothing herein shall require the City to remove graffiti from private property or from property designated as historic property under federal or state laws.

Sec. 10-113. Right of Entry to Private Property.

Prior to entering upon private property or property owned by a public entity other than the City for the purpose of graffiti removal, the City shall attempt to secure the consent of the property owner and a release of the City from any and all claims arising out of the removal. If the property owner fails to remove the graffiti within the time specified in the Notice to Remove, or if the City has requested consent to remove or paint over the graffiti and the property owner has refused consent and/or refuse to grant the City a release of liability, the City may seek remedies as set forth in N.C.G.S. §160A-175, including injunctive relief, an order of abatement or other relief in the appropriate court of law. Provided however, nothing herein shall prevent the City from summarily removing graffiti when there is an imminent threat to life or property.

Sec. 10-114. Appeals.

Any Property Owner who receives a Notice to Remove may appeal the Notice within seven (7) business days of receipt to a City Manager Appeals Review Committee, (herein "Committee"), made up of department directors/designees appointed from time to time by the City Manager. The appeal shall be in writing and shall state with specificity the reasons for the appeal ("Appeal Notice"). The Committee shall hold a meeting within ten (10) days of receipt of the Appeal Notice, and shall render a decision within a reasonable time after the hearing date. The Committee shall have the authority to affirm, modify or reverse the decision from which an appeal was taken, with the final decision vested in the City Manager. The City shall not remove or obscure any graffiti during the pendency of an appeal

Sec. 10-115. Enforcement/Remedies.

(a) Civil Penalties – Against Perpetrator:

(1) In addition to the graffiti perpetrator being subject to criminal prosecution under the laws of the State of North Carolina, the perpetrator shall also be subject to the assessment of a civil penalty under the provisions of this Article. The graffiti perpetrator, who violates this Article, shall be subject to a civil penalty in the amount of $200.00. In the event there is more than one violation, then the civil penalty shall be increased for each additional violation as set forth below:

(i) Second violation: $250.00;
(ii) Third violation: $500.00;
(iii) Fourth violation: $750.00;

(iv) Fifth and any subsequent violation within a twelve month period: $1,000.00.

(2) All appeals will be handled in accordance with Section 10-114 above.

(b) Notice of Violation:

(1) *Against the perpetrator*: Whenever any City official charged with the duty of enforcing the regulations in this Article has reasonable cause to believe that a person has violated any of the provisions herein, that official shall notify the violator of the violation and assess the civil penalty set forth hereinabove. The violator shall have seven (7) days to pay the civil penalty or file a notice of appeal with the Committee referenced in this Article. Failure to pay any assessed civil penalty shall subject the violator to the remedies set forth in N.C.G.S. §160A-175.

(2) *Against the property owner*: Whenever any City official charged with the duty of enforcing the regulations in this Article has reasonable cause to believe that a property owner has failed and refused to remove graffiti from the property owner's property, that official shall notify the property owner of the violation, providing up to seven (7) days to correct the violation. Upon failure to comply with the violation notice or file an appeal with the Committee referenced in this Article, the violator will be subject to injunctive relief and/or an order of abatement as set forth in N.C.G.S. §160A-175.

Section 2: If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3: All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4: Section 10-115, as it applies solely to the perpetrator, shall become effective upon adoption of this ordinance.

Section 5: With the exception of section 1-115, as it applies solely to the perpetrator, all remaining provisions of this ordinance shall become effective on October 1, 2014.

Read, approved and adopted this 22nd day of April, 2014.

Magdalen Bullerson
CITY CLERK

MAYOR

Approved as to form:

Magdalen Bullerson
City Clerk

Martha McKellar
CITY ATTORNEY

ORDINANCE NO. 4307

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 13th day of May, 2014.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Fair Housing Outreach Grant

Magdalen Bulleson
City Clerk

65

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2013-14

3. Amendment to Operating ____ and/or Capital Project _x___ appropriation.

Planning	5/13/2014	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: to budget North Carolina Human Relations Commission support for fair housing outreach

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Grant Funding				
22004207 435000 D1405	$0.00	$0.00	$25,000.00	$25,000.00
Expenditures:				
Contracted Services				
22004207 521001 D1405	$0.00	$0.00	$22,000.00	$22,000.00
Admin/Contigency				
22004207 528013 D1405	$0.00	$0.00	$3,000.00	$3,000.00
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4308

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 13th day of May, 2014.

Magdalen Bullion
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Insurance recovery funds to purchase equipment for the Fire Department

Magdalen Bullion
City Clerk

67

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2013-14

3. Amendment to Operating _x___ and/or Capital Project ____ appropriation.

Finance	5/13/2014	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: to budget insurance recovery funds to purchase Fire equipment

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
General Fund				
Revenue:				
Transfer from Prop/Liab. Fund				
11090111 498813	$0.00	$0.00	$80,500.00	$80,500.00
Expenditures:				
Mach & Equipment				
11000111 614101	$0.00	$0.00	$80,500.00	$80,500.00
Property/Liability Fund				
Expenditures:				
Claims				
81300038 525002	$839,000.00	$684,786.00	$758,500.00	($80,500.00)
Transfer to General Fund				
81390038 800110	$0.00	$0.00	$80,500.00	$80,500.00
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4309

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 13th day of May, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: N. Louisiana Avenue Sidewalk Impvt Project - Phase 4

Magdalen Burleson
City Clerk

69

City of Asheville

Budget Amendment Details

1. Effective Date: 5/13/2014

2. Fiscal Year: 2013-14

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

Public Works	5/7/2014	
4. Requesting Department	5. Today's Date	6. Preparer's Name

7. Comments/Purpose: Low bid contract for North Louisiana Sidewalk Improvements – Phase 4

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Other Misc In Lieu of Sidewalk			$0	
41003301:489002:K1201	$50,000	$0	$25,000	($25,000)
			$0	
Expenditures:			$0	
Contracted Services			$0	
41003301:521001:K1201	$89,383	$61,720	$64,383	($25,000)
			$0	
			$0	
			$0	
Revenue:			$0	
Other Misc In Lieu of Sidewalk			$0	
41003301:489002:E1014	$0	$0	$25,000	$25,000
			$0	
Expenditures:			$0	
Contracted Services			$0	
41000330:521001:E1014	$0	$0	$25,000	$25,000
			$0	
			$0	
Budget revision:			$0	
Materials			$0	
41000330:524101:E1014	$117,000	$0	$0	($117,000)
			$0	
Contracted Services			$0	
41000330:521001:E1014	$0	$0	$117,000	$117,000
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

ORDINANCE NO. 4310

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 27th day of May, 2014.

Magdalen Bullion
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

PURPOSE: This Budget Amendment increases the Hendersonville Road Water Line Consolidation Capital Project Budget to $530,038.00

Magdalen Bullion
City Clerk

71

City of Asheville
Budget Amendment

1. Effective Date: 5/27/2014
2. Fiscal Year: 2013-14

3. Amendment to Operating __ and/or Capital Project _X_ appropriation.

Water Resources	5/27/2014	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: Increase the Infrastructure budget for the Hendersonville Road WL Consolidation project in order to execute a construction contract change order with Cooper Construction Company.

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Hendersonville Road WL				
Transfer from Water Oper 12/13				
61100911 - 498617 - W1412	$185,393.00	$0.00	$230,038.00	$44,645
Infrastructure				
61100911 - 615101 - W1412	$485,393.00	$2,973.72	$530,038.00	$44,645
Monte Vista / Sand Hill Road WL				
Transfer from Water Oper 12/13				
61100911 - 498617 - W1312	$44,645.00	$44,645.00	$0.00	($44,645)
Infrastructure				
61100911 - 615101 - W1312	$53,357.00	$53,357.00	$8,712.00	($44,645)
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4311

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 20 AND A PORTION OF 28 DEAVERVIEW ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a) The proposed development supports the land use goal stated in the *Asheville City Development Plan 2025* of pursuing compatible redevelopment in appropriate areas.
b) The proposal is for the redevelopment of property to support the same use type as currently exists at the site but with enhanced landscaping and site improvements.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9628.75-1507 and a portion of PIN 9628.75-0515, recorded in Deed Book 4343, Pages 385 and 394 and currently owned by Thomas L. Morton, Jr, from Highway Business (HB) and Residential Single-Family High Density District (RS-8) to Office Conditional Zoning District. A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B", attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 27th day of May, 2014.

Magdalen Burleson
City Clerk

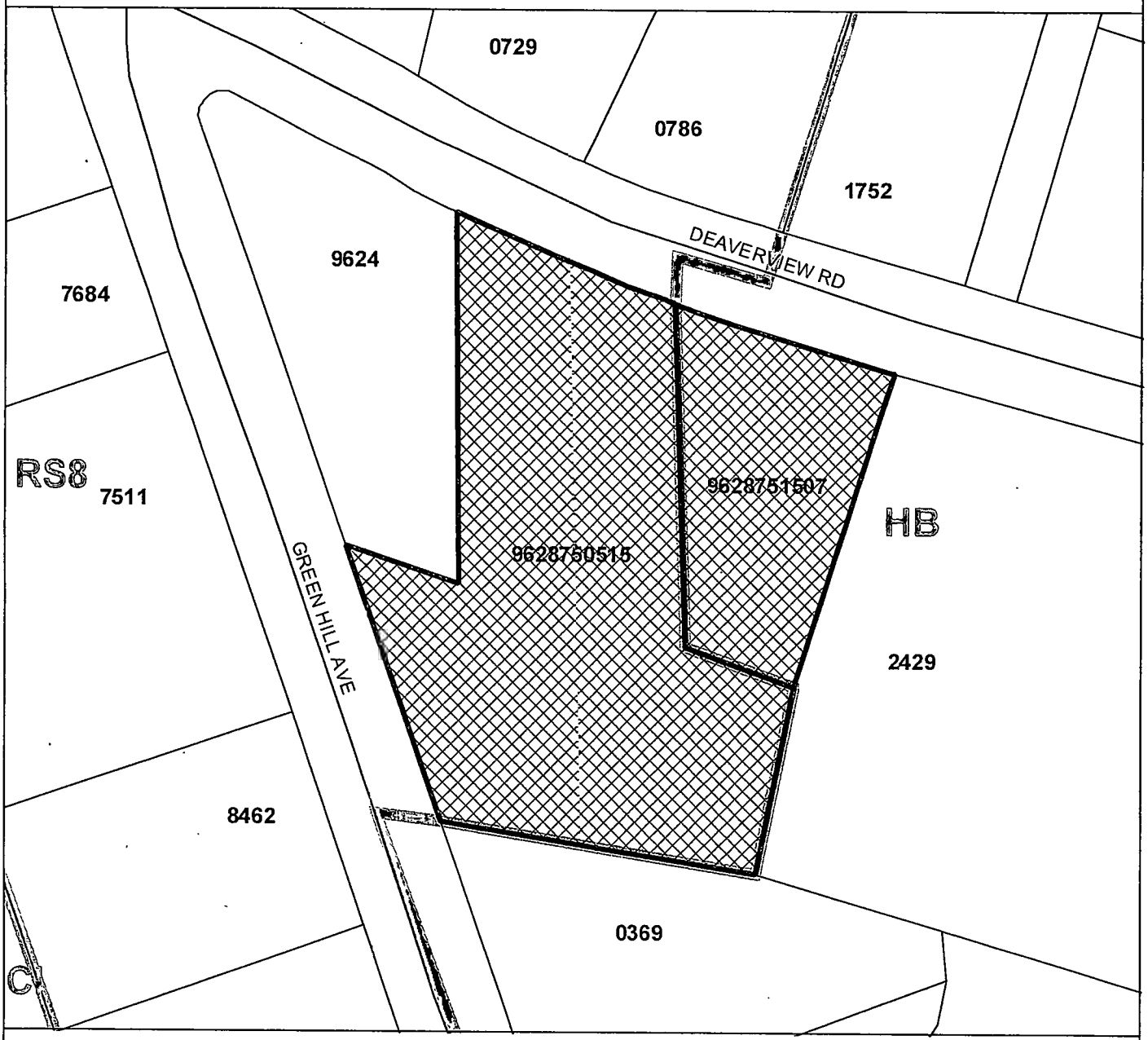
Mayor

Approved as to form:

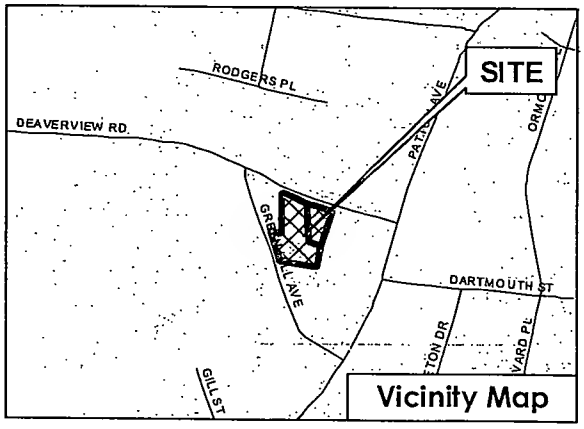
City Attorney

Magdalen Burleson
City Clerk

City of Asheville - Exhibit A Map
Conditional Zoning - Morton Family Denstistry



Project Name:	Morton Family Dentistry
Project Number:	14-03579PZ
Project Description:	7150 square foot dental clinic
Petitioner(s):	Dr. Thomas Lee Morton, Jr.
Parcel ID Number(s):	9628-75-1507, 9628-75-0515 (portion)
Location/Address:	20 & 28 (portion) Deaverview Rd.



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Development Department - April 2014

EXHIBIT B
CONDITIONS

1. Approval is for the construction of a medical/dental office facility on property at 20 Deaverview Road.
2. Signage shall be separately permitted and shall meet the standards of the City of Asheville Sign Ordinance (Article XIII of Chapter 7 of the Code of Ordinances).
3. All site lighting must comply with the City's Lighting Standards (Section 7-11-10 of the Code of Ordinances). Proposed lighting plans must be submitted at Final TRC.
4. All landscaping must meet the minimum size requirements set forth in Section 7-11-3(f)(3) of the UDO. All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape and grading plans.
5. The building design, construction materials, and orientation on site must substantially comply with the site plan and building elevations approved (attached hereto as Exhibit B1) and incorporated by reference. Any major deviations from these plans may result in reconsideration of the project by the reviewing boards.
6. The project shall comply with all conditions outlined in the TRC staff report as indicated below:
    a. Indicate the size of the property to be rezoned (.588 acres) in the Development Data Block on all sheets.
    b. Where you list PIN numbers included in the rezoning request in the Development Data Block, place "a portion of" by PIN 9628.75-0515 and delete PIN 9628.65-9624 (property which will remain residential).
    c. Amend the parking standards to indicate that required parking is 21 spaces and a modification for 2 spaces is requested.
    d. Work with Transportation Department on the sidewalk provision on Deaverview Road. Fee in lieu of sidewalk for Greenhill Avenue must be provided to the City of Asheville prior to issuance of certificate of occupancy along with a minimum 10 foot wide easement.
    e. Where grading in a required bufferyard the developer is required to plant trees and shrubs which are 50 percent larger than otherwise required.
    f. Provide life safety plans and building exits.
    g. Work with staff to provide drop off area accessibility standards.
    h. Any revised plan submittals should label the proposed new building as 24 Deaverview Road.
    i. Per NC Fire Code 903.2.2, building may be required to be sprinklered. Designer and owner to verify in writing.
    j. Show hydrant location within 400' of building if not sprinklered; 600' if sprinklered.
    k. If sprinklered, show FDC within 100' of hydrant and located at street front.
    l. Work with Water Resources Department on water service related issues.
    m. Watch for high voltage wires on the south side of Deaverview Road that might be above large maturing trees.
    n. Specific grading, erosion control, stormwater and/or flood plan review comments are not covered under this zoning review and will be covered under separate permit review.
    o. Separate grading and stormwater permits will be required and applications shall be submitted concurrent or prior to submittal of TRC final plans. Detailed plans and calculations will be required with the Permit Applications. Any revisions or re-submittals

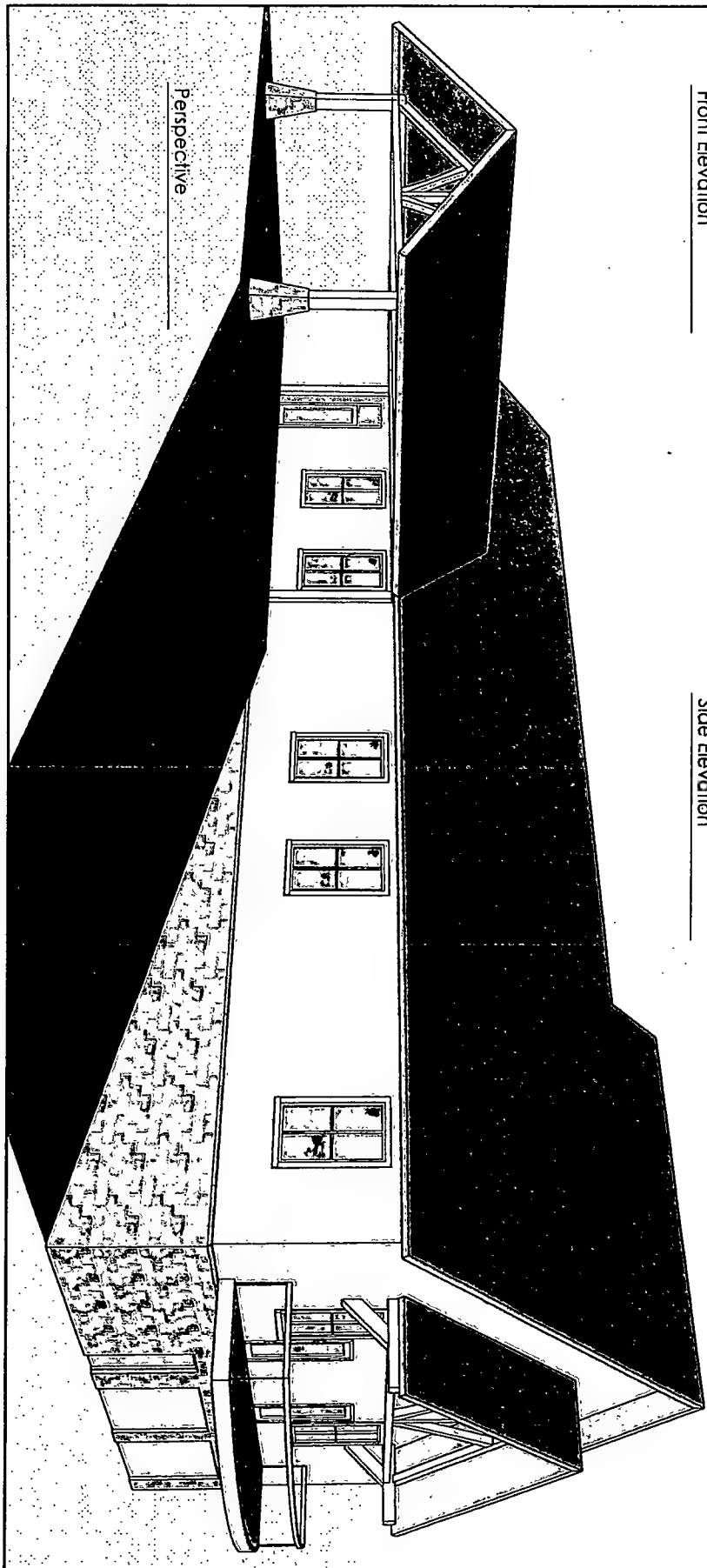
are to be submitted to the Development Services Department per the instructions at the end of this letter.

p. The submitted survey requires certification.
q. Clarify the construction phasing, specifically addressing the limits of grading, erosion control and stormwater system construction activities for each of the two phases as related to occupancy of the existing and proposed buildings and customer parking and building access. Revise the plans and construction sequence as appropriate.
r. This project qualifies for an exemption to the requirement for a Stormwater Permit as a redevelopment in which the impervious area does not increase by more than 5,000 square feet and the rate of flow of stormwater does not increase.
s. The proposed stormwater drainage system shall meet City of Asheville standards and the construction will be covered under the grading permit.
t. A pre-construction conference will be required for this project. The conference will be scheduled after all City departments have completed their review, and after any required Grading, Stormwater and Flood Permits have been approved.
u. A security for re-vegetation is not required for this project as suggested in the Protection Sequence on Sheet SW-4.
v. MSD has not received a wastewater allocation request for this project.
w. A wastewater allocation approval is required for all commercial projects.
x. Please note that building permits for this project will not be released until a sewer service application has been completed and applicable facility fees paid. Certificates of occupancy will not be released until all conditions of the wastewater allocation approval letter have been met.

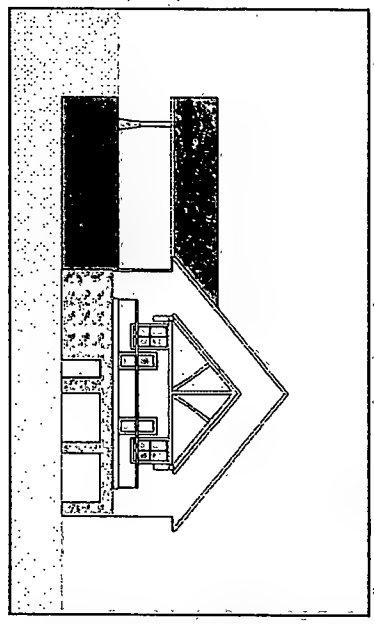
The project will undergo final review by the TRC prior to issuance of any permits.

7. A planning inspection is required prior to obtaining a certificate of occupancy. This inspection should be scheduled through the Development Services inspection line.
8. A subdivision recombination, as indicated on the site plan, will have to be approved and recorded prior to permit issuance.
9. Per the UDO (Office District), all activities associated with non-residential uses, including deliveries and refuse collection, shall be conducted between the hours of 7:00 AM and 9:00 PM.

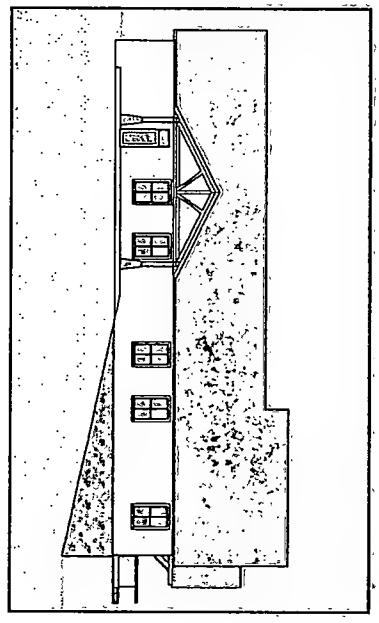
Perspective

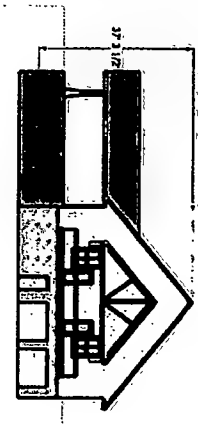


Front Elevation



Side Elevation





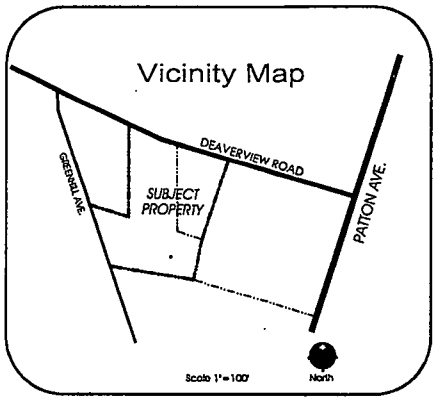
DATE: 03-06-2014	New Office for MORTON FAMILY DENTISTRY 20 Deaverview Road — Asheville, NC	GEORGE STOWE · ARCHITECT member, American Institute of Architects 184 East Chestnut Street · Asheville NC, 28801 ph 828-251-2357 · fax 828-225-0530 gstowearchitect@bellsouth.net www.GeorgeStoweArchitect.com

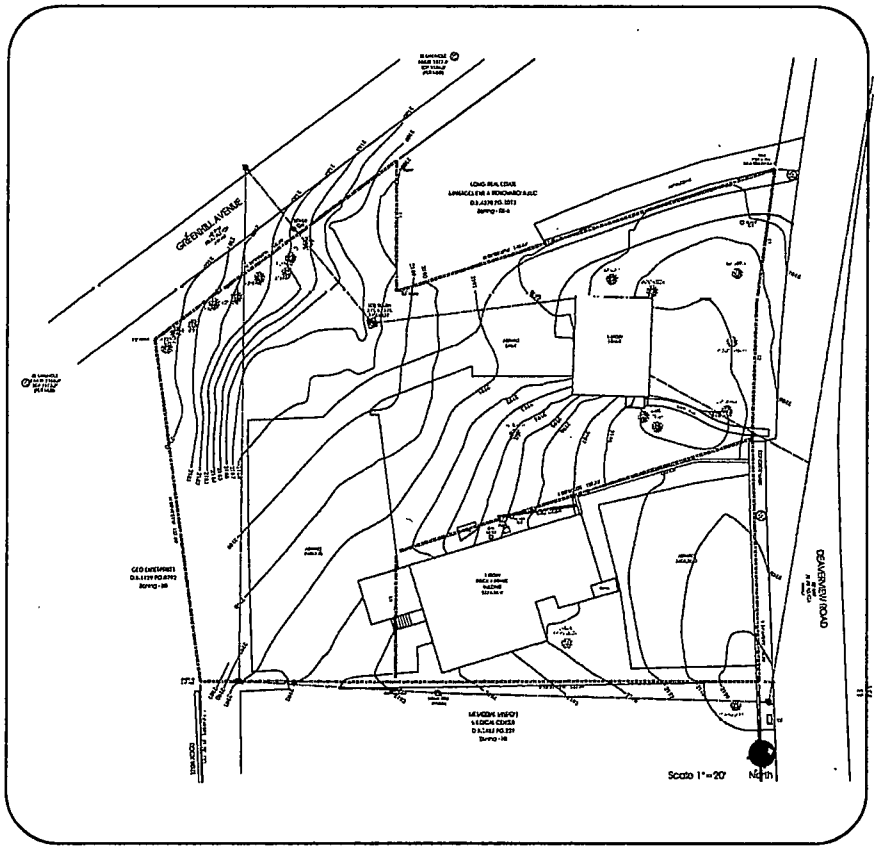
Exhibit B1

77

Thomas L. Morton, DDS

20 Deaverview Road
Asheville, NC 28806





Project Contacts

Landscape Architect — Broadbooks Associates
Mark A. Wilson, RLA, ASLA
828-252-5058

Owner — P.I.N. 9628.75-1507
0.209 Acres
Thomas L. Morton, Jr.
20 Deaverview Road
Asheville, NC 28806

P.I.N. 7628.75-0515
Thomas L. Morton, Jr.
20 Deaverview Road
Asheville, NC 28806

Sheet Index

Cover	
Field Survey,	Glen Haynes, PLS
Site Development Plans:	
Existing Conditions and Demo	SW-1
Layout & Paving	SW-2
Grading & Drainage	SW-3
Erosion Control	SW-4
Landscaping	SW-5
Details	SW-6
Details	SW-7
Architectural:	
Architectural Elevation & Perspective	A1

Broadbooks Associates P.A.
Landscape Architecture Land Planning

THOMAS MORTON, DDS
Deaverview Road
Asheville, North Carolina
Cover Sheet

Cover
of
8

NC ONE-CALL
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1-800-632-4949, or 811

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File Name: Cover

Project Folder: 13Stowe-Morton Dentist

P & Z Commission revisions DATE: 04/21/14

DATE: 03/12/14

Project Data Block

Owner/Developer ····· Thomas L. Morton
20 Deaverview Rd.
Asheville, NC 28804

Landscape Architect ···· Mark A. Wilson, RLA, ASLA
Broadbooks Associates, P.A.
184 E. Chestnut St., Suite 1
Asheville, NC 28801
(828) 253-0228

PIN Number ····· 9628-75-1507-00000; Parcel ID 0
9628-75-0515-00000
9628-85-9634-00000 (portion of)

Property Size ····· 0.81 Ac. total

Existing Zoning ····· PIN # 1507: Highway Business (HB)
PIN # 0515: Medium Density Res. (RS-8)

Building Setbacks ···· Front - 15'
Rear - 15'
Side - 10'

Parking Required ····· Min.
(Medical Office, 3,350 sf) 1 Space / 250 sq.ft. = 13
(unfinished storage, 3,350 sf, with garage)

Parking Provided ····· 18 standard spaces + 1 Handicap = 19
+ 1 Bicycle Space

Proposed Building ····	Stories	Square Ft.	G.F.A.
	1-Story	3,400 sq.ft.	6,800

Building Height per UDO - 12; Building Height per NC Building Code indicated on architectural elevations sheet

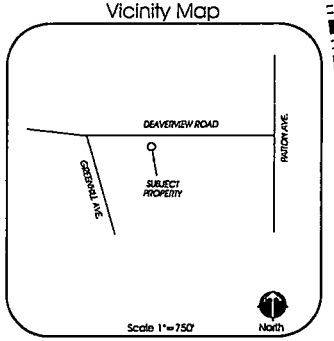
Impervious Area ····· Pre-Development - 15,063 sf 0.35 Ac.
Post-Development - 17,430 sf 0.40 ac.
(2,670 sq. ft. additional impervious area)

Landscaping Calcs. ····· See Landscape Plan

Lighting Requirements ··· Building and Canopy lighting. Additional lighting will be provided lighting plan at inspection.

Open Space Calcs. ····· NA

Vicinity Map



LINE	BEARING	DISTANCE
L 1	S 65°30'39"E	49.89'
L 2	S 71°21'00"E	50.00'
L 3	S 17°10'29"W	71.89'
L 4	S 73°06'47"E	48.20'
L 5	S 72°57'41"E	48.17'

- EXISTING MONUMENT
- MONUMENT SET
- EXISTING IRON PIPE OR PIN
- IRON PIPE OR PIN SET
- UNMARKED POINT

- AS INDICATED AT POINT
- TREE "TYPE" AS NOTED
- FIRE HYDRANT
- MANHOLE
- WATER METER
- POWER OR TELEPHONE POLE

20 DEAVERVIEW ROAD
CITY OF ASHEVILLE
BUNCOMBE COUNTY, NORTH CAROLINA
PIN # 9628-75-1507 DEED REFERENCE - D.B. 4343 PG.574
9628-75-0515 D.B.4343 PG.585 PLAT REFERENCE - PB. 42 PG. 92A;
Zoned HB Zoned RS-8

AREAS DETERMINED BY COORDINATE METHOD

PROPERTY CORNERS MARKED AS NOTED. PROPERTY LINES NOT MARKED, UNLESS NOTED OTHERWISE.

ALL DISTANCES AS SHOWN ARE U.S. SURVEY FOOT

NOTE: THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT, WHICH MAY REVEAL ADDITIONAL CONVEYANCES, EASEMENTS, RIGHTS-OF-WAY, OR BUILDING RESTRICTION LINES NOT SHOWN. ALL PROPERTY OWNERSHIPS WERE TAKEN FROM CURRENT TAX RECORDS.

J. GLENN HAYNES P.L.S.
ESTABLISHED 2004
97 DOGWOOD GROVE ROAD
ASHEVILLE, NORTH CAROLINA
PHONE (828) 254-8448
FAX. 254-8907

LONG REAL ESTATE MANAGEMENT & RENOVATIONS, LLC
D.B.4370 PG.1012
Zoning - RS-8

GEG ENTERPRISES
D.B.1859 PG.0792
Zoning - HB

MEMORIAL MISSION MEDICAL CENTER
D.B.1888 PG.229
Zoning - HB

GREENHILL AVENUE
40' R/W PB.42 PG.92A ASPHALT

DEAVERVIEW ROAD
40' R/W PB.42 PG.92A ASPHALT

1-STORY FRAME
20 Deaverview Road

1-STORY ROCK & FRAME BUILDING
2776.16 sf
28 Deaverview Road

Closest Fire Hydrant, 208' from property corner between 55 and 59 Deaverview; 390' from proposed building corner

Verify location of Pipe located by NA; preserve if possible.

Protect exis. utility pole and overhead lines.

Preserve Magnolia cluster; Verify location

General Project Area / Disturbed Limits, 25,689 sf., 0.59 Ac.

Remove & relocate exis. overhead power line. Coordinate w/ utility provider.

Extent of asphalt parking removal. Sawcut where required to leave clean joints.

Existing Property Line to be Relocated, See SW-2

Phase I demo of garage addition only

Existing Dental Office Building to be removed. Building / Office to remain operational until new building is complete.

PHASE I Demolition to proposed storm manhole

PHASE II Demolition

Extent of existing conc walk and asphalt removal for new sidewalk construction

Remove exis. rock wall, culvert and utility appurtenances.

Protect exis. water meter. Service line will be removed and relocated for new bldg.

Extent of asphalt parking removal. Sawcut where required to leave clean joints.

Parking area to remain until new facility is operational

Tree protection fencing.

Protect large exis. dogwood. See SW-2, 3 & 5.

LARGE TREES

LARGE DOGWOOD

36" OAK

20" MAPLE

8" DOGWOOD

4" DOGWOOD

14" MAPLE

18" MAPLE

ASPHALT DRIVE

ASPHALT PARKING

GAS METER

HVAC

CONC. WALL

CONC. CULVERT

CONC.

SEWER C/O

12" PINE

1/2" REBAR

1" STEEL PIN ELEVATION 2192.6 ft.

SELL BOUNDARY 5 FT. BY 5 FT. EASEMENT

N 01°03'47"W 146.66'

N 01°35'55"W 110.45'

N 02°17'W 123.35'

S 00°56'00"E 137.76'

S 15°51'00"W 133.84'

S 72°57'41"E 81.18'

CAPPED IRON

POWER POLE (TYPICAL)

FIRE HYD.

WM

Sweetgum

broadbooks associates
Landscape Architecture Land Planning
184 E. Chestnut St., Suite 1
Asheville, NC 28801
(828) 253-0228
www.broadbooksassociates.com

NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT C-190 MARK A. WILSON

North
Scale: 1" = 10'

THOMAS MORTON, DDS
Deaverview Road,
Asheville, North Carolina

Existing Conditions and Demolition Plan

SW-1
of
7

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File Name: SW-1-ECD

Project Folder: 13Stowe-MortonDentist

P & Z Commission revisions DATE: 04/21/14

DATE: 03/12/14

Project Data Block

Owner/Developer ····· Thomas L. Morton
10 Deaverview Rd.
Asheville, NC 28806

Landscape Architect ····· Mark A. Wilson, RLA, ASLA
Broadbooks Associates, P.A.
184 E. Chestnut St., Suite 1
Asheville, NC 28801
(828) 253-0326

PIN Number ····· 9638-75-1507-00000 (Parcel ID #)
9638-75-0513-00000
9638-85-9624-00000 (portion of)

Property Size ····· 0.81 Ac. total

Existing Zoning ····· RM-16(CD) Highway Business (HB)
RM-16(S/R) Medium Density Res. (S/R)

Building Setbacks ····· Front - 15'
Rear - 15'
Side - 10'

Parking Required ····· Min.
(Medical Office, 3,350 sq.) 1 Space / 250 sq.ft. = 13
(Unfinished storage, 3,350 sf. with garage)

Parking Provided ····· 18 standard spaces + 1 Handicap = 19
+ 1 Bicycle space

Proposed Building ·····	Floors	Footprint	G.F.A.
Building Heights per UDO = 72'	2-story	3,400 sf. +/-	6,800
Building Heights per NC Building Code indicated on architectural elevations sheet			

Impervious Area ····· Pre-Development - 16,000 sf. (0.36 Ac.
Post-Development - 17,420 sf. (0.40 Ac.
(5,075 sq. ft. is exempt impervious area)

Landscaping Calcs. ····· See Landscape Plan

Lighting Requirements ····· Building and Canopy lighting. Addl lighting will be provided lighting plan at implement.

Open Space Calcs. ····· NA

Pavement Schedule

A 2.5/8 ····· 2.5" SF9.5A over ABC, 8" compacted depth. (Installed and compacted to NCDOT specifications)

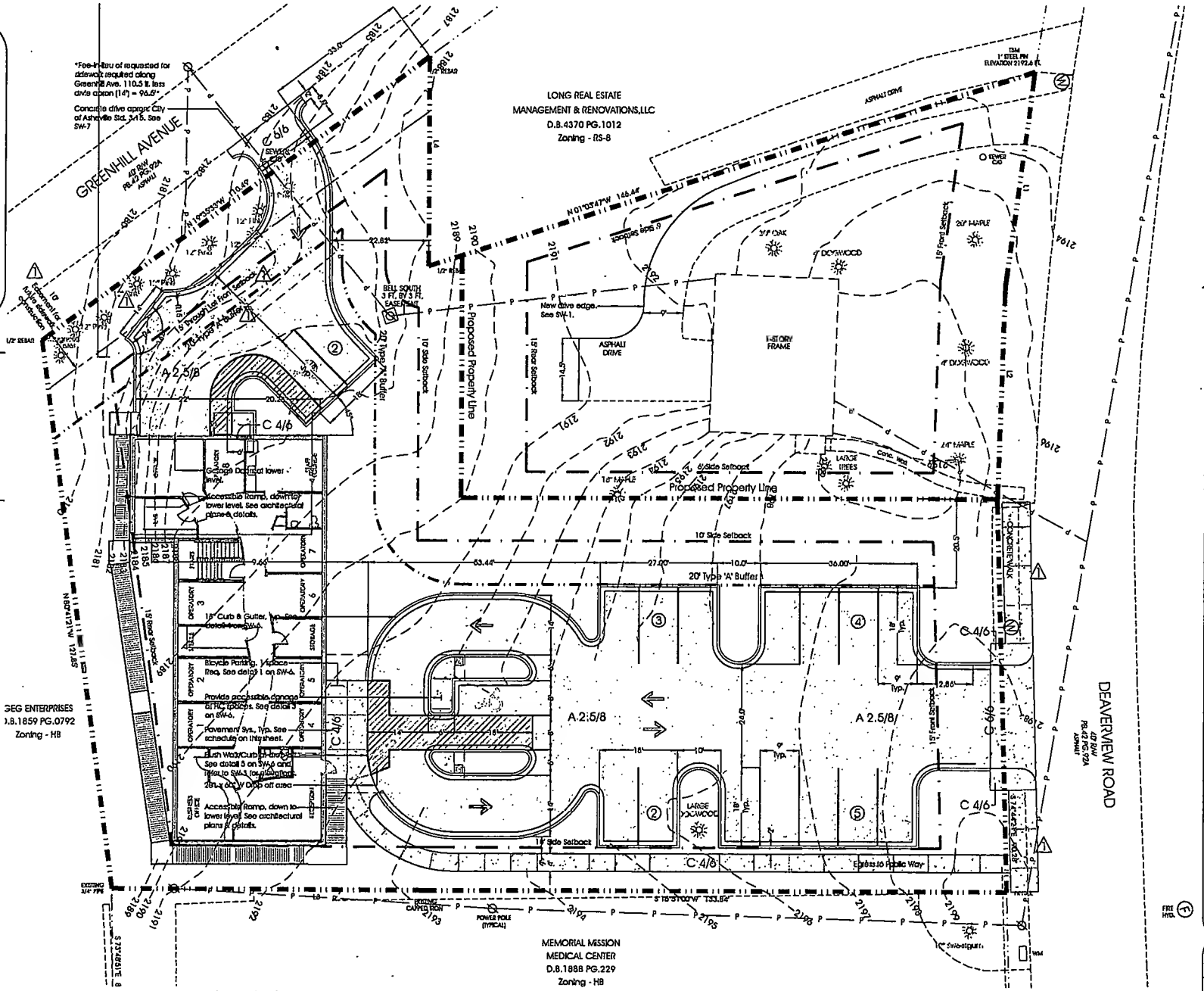
C 4/6 ····· 4" 4,000 psi concrete over ABC, 6" compacted depth. Reinforce with 6" x 6" W1.4 x W1.4 WWM (See structural drawings for integration of conc. walls & building structure)

C 6/6 ····· 6" 4,000 psi concrete over ABC, 6" compacted depth. Reinforce with 6" x 6" W1.4 x W1.4 WWM

** All paved, site concrete should have a medium broom finish **

Notes:

1. All dimensions are measured from edge of pavement, face of curb & face of buildings unless indicated otherwise.
2. All angles are 90 deg. unless indicated otherwise.
3. Building dimensions indicated are for reference only. Refer to architectural drawings for exact dimensions.
4. Notify landscape architect of any significant discrepancies that may affect design.
5. All asphalt striping shown on plan shall be white.
6. Do not scale from plan.
7. Contractor shall supply grading permit number for any proposed berm or waste area to Asheville Engineering Department.


Fee-in-lieu of requested for sidewalk required along Greenhill Ave. 110.5 lf. less drive apron (14') = 96.5'
Concrete drive apron City of Asheville Std. 846. See SW-7
GREENHILL AVENUE
LONG REAL ESTATE MANAGEMENT & RENOVATIONS,LLC
D.B.4370 PG.1012
Zoning - RS-8
GEG ENTERPRISES
D.B.1859 PG.0792
Zoning - HB
MEMORIAL MISSION MEDICAL CENTER
D.B.1888 PG.229
Zoning - HB
DEAVERVIEW ROAD
Proposed Property Line
10' Side Setback
20' Type 'A' Buffer
15' Front Setback
New drive edge. See SW-1.
ASPHALT DRIVE
1-ST ORY FRAME
Accessible Ramp, down to lower level. See architectural plans & details.
Garage Door at lower level.
Bicycle Parking, 1 space req. See detail 1 on SW-6.
Provide accessible signage at HC spaces. See detail 3 on SW-6.
Pavement Sys., typ. See schedule on this sheet.
Flush Walk/Curb at handicap. See detail 5 on SW-6 and Refer to SW-3 for grading.
Accessible Ramp, down to lower level. See architectural plans & details.
Existing to Public Way
BELL SOUTH 3 FT. BY 3 FT. EASEMENT
Easement for Public Access
Proposed Property Line
Setback
Type 'A' Buffer
Side Setback
Rear Setback
Front Setback
LARGE TREES
LARGE DOGWOOD
24" MAPLE
18" MAPLE
4" DOGWOOD
3'9" OAK
20" MAPLE
Conc. Walk
Curb & Gutter, typ. See detail 4 on SW-6.
Sidewalk
Driveway
Entrance
Exit
Stairs
Elevator
Reception
Cashier Office
Curb Ramp
Handicap Parking
Concrete Pad
Bench
Trash Can
Bike Rack
Planter
Flower Pots
Tree Grate
Bollard
Light Pole
Power Pole
Fire Hydrant
Water Meter
Gas Meter
Electric Meter
Transformer
Sewer Manhole
Storm Drain
Catch Basin
Cleanout
Utility Pole
Guy Wire
Overhead Utility Lines
Underground Utility Lines
Gas Line
Water Line
Sewer Line
Storm Drain Line
Fiber Optic Line
Telephone Line
Cable TV Line
Electric Line
Gas Valve
Water Valve
Sewer Valve
Storm Drain Valve
Fiber Optic Valve
Telephone Valve
Cable TV Valve
Electric Valve
Gas Meter
Water Meter
Sewer Meter
Storm Drain Meter
Fiber Optic Meter
Telephone Meter
Cable TV Meter
Electric Meter

Project Data Block

Owner/Developer	Thomas L. Morton 20 Deaverview Rd. Asheville, NC 28805
Landscape Architect	Lloyd A. Wilson, B.A., ASLA Broadbooks Associates, P.A. 184 E. Chestnut St., Suite 1 Asheville, NC 28801 (828) 253-0068
PIN Number	9638-15-1007-00000 Parcel to D 9638-15-0518-00000 9638-25-9634-00000 (portion of)
Property Size	0.81 Ac. Total
Existing Zoning	PIN #1: HS (Highway/Business (HB) PIN #2&3: Medium Density Res. (RM-8)
Building Setbacks	Front - 10' Rear - 10' Side - 10'
Parking Required	16 (Medical Office, 3,350 sf @ 1/200sf / 250 sq.ft. = 13 Unfinished storage, 2,350 sf, with garage)
Parking Provided	15 standard spaces + 1 Handicap = 16 + 1 Bicycle Space
Proposed Building	Floors: 3 story Footprint: 9,400 sf ± 4,800 Building Height per UDO - 12'; Building Height per NC Building Code indicated on architectural elevations shown
Impervious Area	Pre-Development - 18,663 sf, 0.36 ac. Post-Development - 17,430 sf, 0.40 ac. (0.05 ac. additional impervious area)
Landscaping Calcs.	See Landscape Plan
Lighting Requirements	Building and Canopy lighting. Additional lighting will be provided lighting plan at implement.
Open Space Calcs.	N/A

Legend

- AD ····· Area Drain. See Plan & Structure Schedule on this sheet.
- HP ····· High Point Elevation
- LP ····· Low Point Elevation
- CO ····· Clean-Out, Sch. 40 PVC "Wye" fitting w/ Bend/pipe & cap. Set flush w/ finish grade
- TC ····· Top of Curb Elevation
- TW ····· Top of Wall Elevation
- DS ····· Downspout. Approximate. See Architectural drawings for exact location
- INV ····· Pipe invert, elevation of structure or pipe daylight on daylight.

Structure Schedule

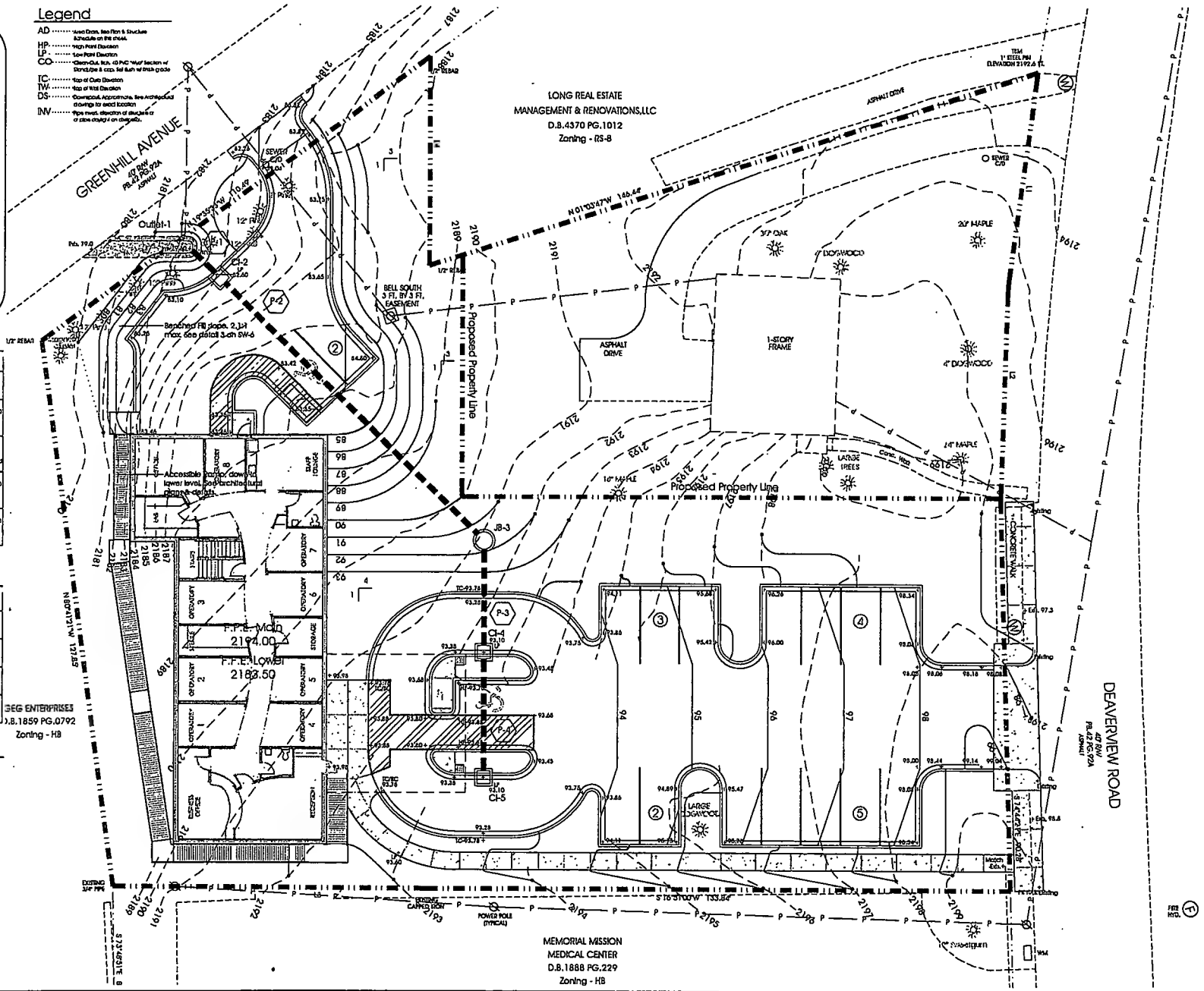
Structure	Elevations	Specifications
Outlet-1	INV (P-1) = 2179.00	3'x 2'3" x 1'3" depth Dp-8 top level spec 3'sw, pSD-6), Install Cast Metal 14GN EC Frames.
CI-2	Rim = 2183.00 INV (P1) = 2179.72 INV (P2,4) = 2179.66	3' sq. precast concrete curb inlet, City of Asheville Std. 840.03 (See SW-7), with NCDOT Std. frame, grate and hood assembly, #840.03.
JB-3	Rim = 2191.00 INV (P2) = 2186.17 INV (P3,4) = 2186.04	4' dia., precast concrete junction box, City of Asheville Std. 840.05 (See SW-7), with NCDOT Std. manhole ring and lid, 840.54.
CI-4	Rim = 2190.10 INV (P3) = 2186.53 INV (P4,5) = 2186.27	3' sq. precast concrete curb inlet, City of Asheville Std. 840.03 (See SW-7), with NCDOT Std. frame, grate and hood assembly, #840.03.
CI-5	Rim = 2190.10 INV (P4) = 2186.65	3' sq. precast concrete curb inlet, City of Asheville Std. 840.03 (See SW-7), with NCDOT Std. frame, grate and hood assembly, #840.03.

Pipe Schedule

Pipe	Structures Up-Hill	Structures Down-Hill	Specifications
P-1	CI-2	Outlet-1	8 LL, 15" HDPE type "S" with water tight joints
P-2	JB-3	CI-2	83 LL, 15" HDPE type "S" with water tight joints
P-3	CI-4	JB-3	92 LL, 15" HDPE type "S" with water tight joints
P-4	CI-5	CI-4	26 LL, 15" HDPE type "S" with water tight joints

Grading & Drainage Notes

- Contractor should verify all spot elevations and contours. Notify Landscape Architect of any discrepancies that may affect design or function of stormwater detention or conveyance systems.
- Slope all areas outside the building away from the building at 1/4" per foot min., and towards drainage structures as indicated on the plan
- Contractor shall provide roof downspouts as indicated on the architectural drawings. Connect downspouts to nearest stormwater structure as shown, or daylight at base of curb adjacent to parking areas.
- Contractor is cautioned that all surface and invert elevations are critical. Field changes made to storm water design may be made ONLY with prior approval of Landscape Architect. Changes made without prior Landscape Architect approval that affect system function, storage capacity, output velocities or surface drainage will be subject to replacement and/or repair at contractor's expense.
- Grout fill, using non-shrink grout, all voids and/or cavities within each drainage structure, including pipe penetrations and backfill joints. All drainage structures and pipes should be water tight.



Scale: 1" = 10'

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NORTH CAROLINA C-190 LANDSCAPE ARCHITECTURE
NORTH CAROLINA 1171 REGISTERED LANDSCAPE ARCHITECT
MARK A. WILSON

THOMAS MORTON, DDS
Deaverview Road
Asheville, North Carolina

Grading and Drainage Plan

SW-3
of
7

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File Name: SW-2-LP

Project Folder: 13Stowe-MortonDentist

P & Z Commission revisions DATE: 04/21/14

DATE: 03/12/14

Project Data Block

Owner/Developer	Thomas L. Morton 20 Deaverview Rd. Asheville, NC 28806
Landscape Architect	Mark A. Wilson, RLA, ASLA Broadbooks Associates, P.A. 134 E. Chestnut St., Suite 1 Asheville, NC 28801 (828) 252-0058
PIN Number	9628-75-1007-00000 (Parcel to C) 9628-75-0015-00000 9628-85-9624-00000 (portion of)
Property Size	0.83 ac., total
Existing Zoning	RM-8 (100' Highway Buffer) (HB) RM-8 (Medium Density Res. (RM-8)
Building Setbacks	Front - 17' Rear - 10' Side - 10'
Parking Required (Medical Office, 3,350 sf.) (Unfinished storage, 2,150 sf. with garage)	14 1 space / 250 sq.ft. = 13
Parking Provided	13 standard spaces + 1 Handicap = 14 + 1 Bicycle space
Proposed Building	Floors / Factors / G.F.A. 1-Story / 6,500
Building Height	Building Height per MC Building Code Indicated on architectural elevation sheet
Impervious Area	Pre-Development - 15,063 sf 0.35 Ac. Post-Development - 17,430 sf 0.40 ac. (5,05 ac. = 0.03 Ac) Impervious area
Landscaping Calcs.	See Landscape Plan
Lighting Requirements	Building and Canopy lighting. Acad lighting will be provided lighting plan at implement.
Open Space Calcs.	N/A

Protection Sequence

Construction is Phased. Phase I includes new building and small lower level parking/decel connection. Phase 2 includes existing building demolition and parking lot construction

PHASE I Demo and ESC:
1. Install mud mat at Greenhill Dr. & begin demolition of existing asphalt in rear of existing building and in rear of 20 Deaverview Road (refer to SW-1)
2. Install all fencing necessary for phase 1 construction and begin parking lot demolition.
3. Begin building excavation and grading.
4. Install CI-Std 1, CI-2, CI-3 and associated pipes.
5. Install inlet protection as each inlet is installed.
6. Once cutting and base is installed, remove mud mat and seed all perimeter slopes that have been disturbed.
7. Complete building construction and paving.

Temporary C.O. will likely be requested and bond may be required for outstanding (phase 2) improvements.

PHASE II Demo and ESC:
1. Install Silt Protection Fencing at dogwood and all fencing associated with phase 2 part of project.
2. Begin building demolition and asphalt removal
3. Install temp. mud mat for phase 2.
4. Begin parking area grading.
5. Install CI-4 and CI-6. Provide inlet protection as each inlet is installed.
6. Once cutting and base is installed, remove mud mat and seed all perimeter slopes that have been disturbed but won't be otherwise planted.
9. Immediately prior to paving, install all landscaping and ensure that all perimeter areas that may drain on to hard surfaces have been stabilized
10. Install asphalt paving
11. Maintain all fencing throughout construction until all disturbed surfaces have established vegetative cover.

Permanent or temporary stabilization of disturbed areas will be required within 14 days of inactive grading and within 7 calendar days on all slopes 3:1 and steeper

General Notes

1. Refer to grading and drainage plan SW-3 for detailed elevations.

2. Inspect erosion control measures daily and after each rain event. Remove sediment and repair measures as necessary to ensure continuous effectiveness.

3. Due to the phased nature of construction, additional / area specific temporary erosion and stormwater control measures may be necessary to prevent water and/or sediment interference and damage to adjacent properties. The contractor is responsible for evaluating and implementing any and all additional measures necessary to prevent said interference and damage. Contact Landscape Architect, prior to beginning work, if further direction, clarification and/or design is necessary.

Seeding Schedule

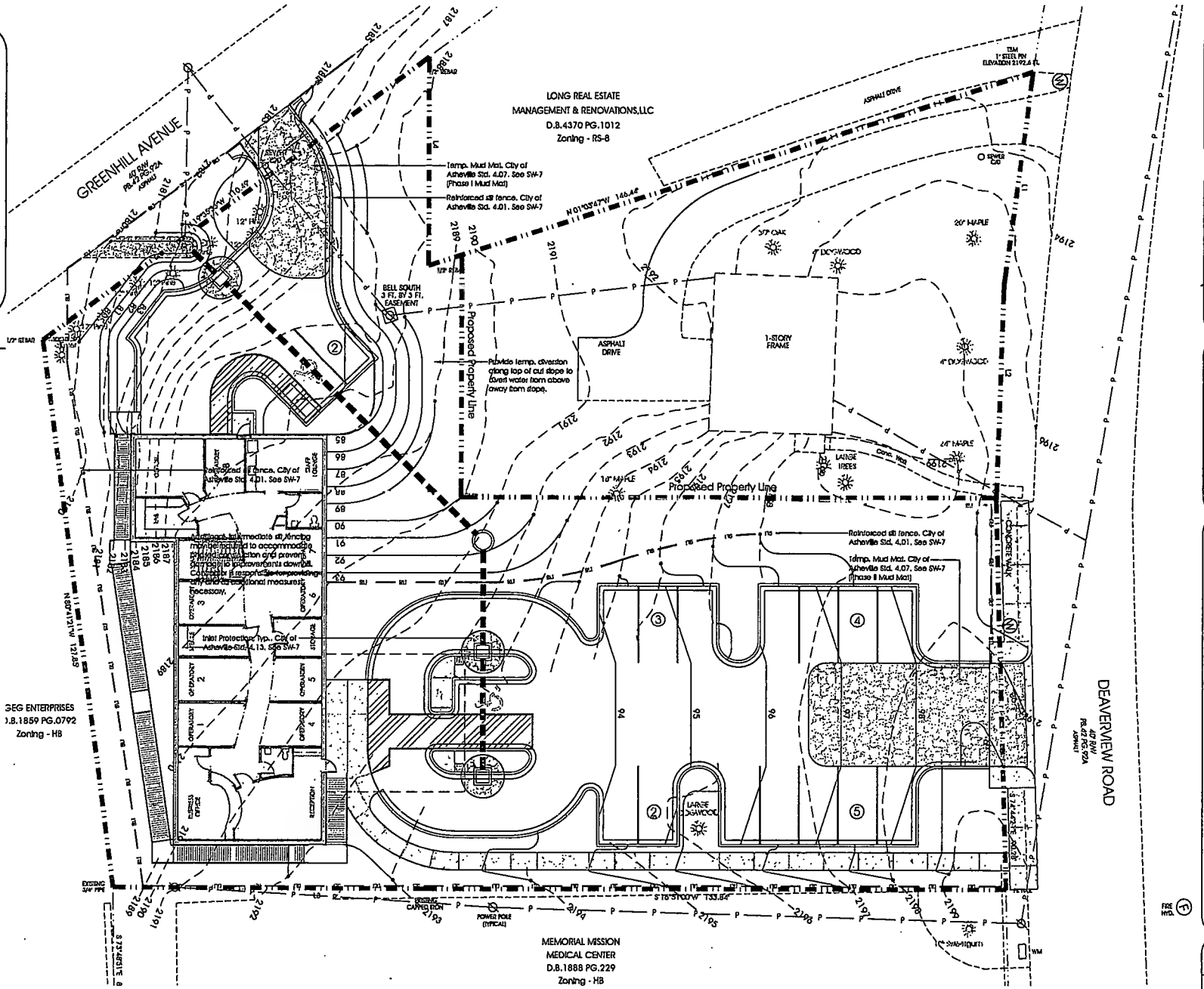
Permanent Seeding

1. 50%-60% Mixture of two cultivars of improved tall type fescue well adapted to growing conditions at site @ 6 lbs. per 1,000 s.f. (Mid March - Mid May, Mid Aug. - Mid Oct.)
2. plus Limestone - 50 lbs/1,000 sq.ft./(Verify by soil testing)
3. plus 16:8:8 Fertilizer - 20 lbs/1,000 sq.ft. (50%-75% of Nitrogen in slowly available form)
4. plus Grade Straw Mulch - 1.5-2 bales/1,000 sq.ft. anchored by asphalt emulsion, netting or crimping.

Temporary Seeding

1. Rye (Grain) - 3 lbs/1,000 sq.ft. (120 lbs/acre)
2. plus limestone - 50 lbs/1,000 sq.ft. (2,000 lbs/acre)
3. plus 10:10:10 Fertilizer - 20 lbs/1,000 sq.ft. (800 lbs/acre)
4. plus Grade Straw Mulch - 1.5-2 bales/1,000 sq.ft. anchored by asphalt emulsion, netting or crimping.

ALL SLOPES THAT EXCEED 3:1 (33%) AND ARE NOT SHOWN TO BE SODDED ON SW-4 SHALL BE PERMANENTLY SEEDED AS NOTED ABOVE AND STABILIZED WITH SC150 BY NORTH AMERICAN GREEN OR APPROVED EQUIVALENT.


GREENHILL AVENUE
LONG REAL ESTATE MANAGEMENT & RENOVATIONS,LLC
D.B.4370 PG.1012
Zoning - RS-8
Temp. Mud Mat. City of Asheville Std. 4.07. See SW-7 (Phase I Mud Mat)
Reinforced silt fence. City of Asheville Std. 4.01. See SW-7
BELL SOUTH 3 FT. BY 3 FT. EASEMENT
Proposed Property Line
Provide temp. diversion along top of cut slope to divert water from above away from slope.
ASPHALT DRIVE
1-STORY FRAME
Additional intermediate silt fencing may be required to accommodate phased construction and prevent damage to improvements downhill. Contractor is responsible for providing any and all additional measures necessary.
Inlet Protection, typ., City of Asheville Std. 4.13. See SW-7
SEG ENTERPRISES
D.B.1859 PG.0792
Zoning - HB
DEAVERVIEW ROAD
MEMORIAL MISSION MEDICAL CENTER
D.B.1888 PG.229
Zoning - HB
N 01°05'47"W 146.46'
S 78°51'00"W 133.84'
Scale: 1" = 10'

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Deaverview Road,
Asheville, North Carolina

Erosion and Sediment Control Plan

SW-4
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File Name: SW-4 ESC

Project Folder: 13Stowe-MortonDentist

P & Z Commission revisions DATE: 04/21/14

DATE: 03/12/14

Project Data Block

Owner/Developer	Thomas L. Morton 20 Deaverview Rd. Asheville, NC 28806
Landscape Architect	Mark A. Wilson, RLA, ASLA Broadbooks Associates, P.A. 184 E. Chestnut St., Suite 1 Asheville, NC 28801 (828) 252-0056
PIN Number	9638-75-1207-00000 Rezone to O 9638-75-0815-00000 9638-85-9614-00000 (portion of)
Property Size	0.81 Ac. ±/-sd
Existing Zoning	RM-8 (-307) Highway Business (HB) RM-8 (-312) Medium Density Res. (RS-8)
Building Setbacks	Front - 15' Rear - 10' Side - 10'
Parking Required	Min. 1 Space / 350 sq.ft. = 13
	(Medical Office, 3,350 sf) (Unstriped storage, 3,350 sf, with garage)
Parking Provided	18 standard spaces + 1 Handicap = 19 + 1 Bicycle Space
Proposed Building	Stories / Footprint / G.F.A. 1-Story / 3,400 s.f. / 3,400
	Building Height per UDO - 17'; Building Height per NC Building Code indicated on architectural elevations sheet
Impervious Area	Pre-Development - 13,063 sf (0.30 Ac.) Post-Development - 17,430 sf (0.40 Ac.) (4,00 sf. additional impervious area)
Landscaping Calcs	See Landscape Plan
Lighting Requirements	Building and Canopy lighting: Acad 1 lighting will be provided lighting plan or equivalent.
Open Space Calcs	N/A

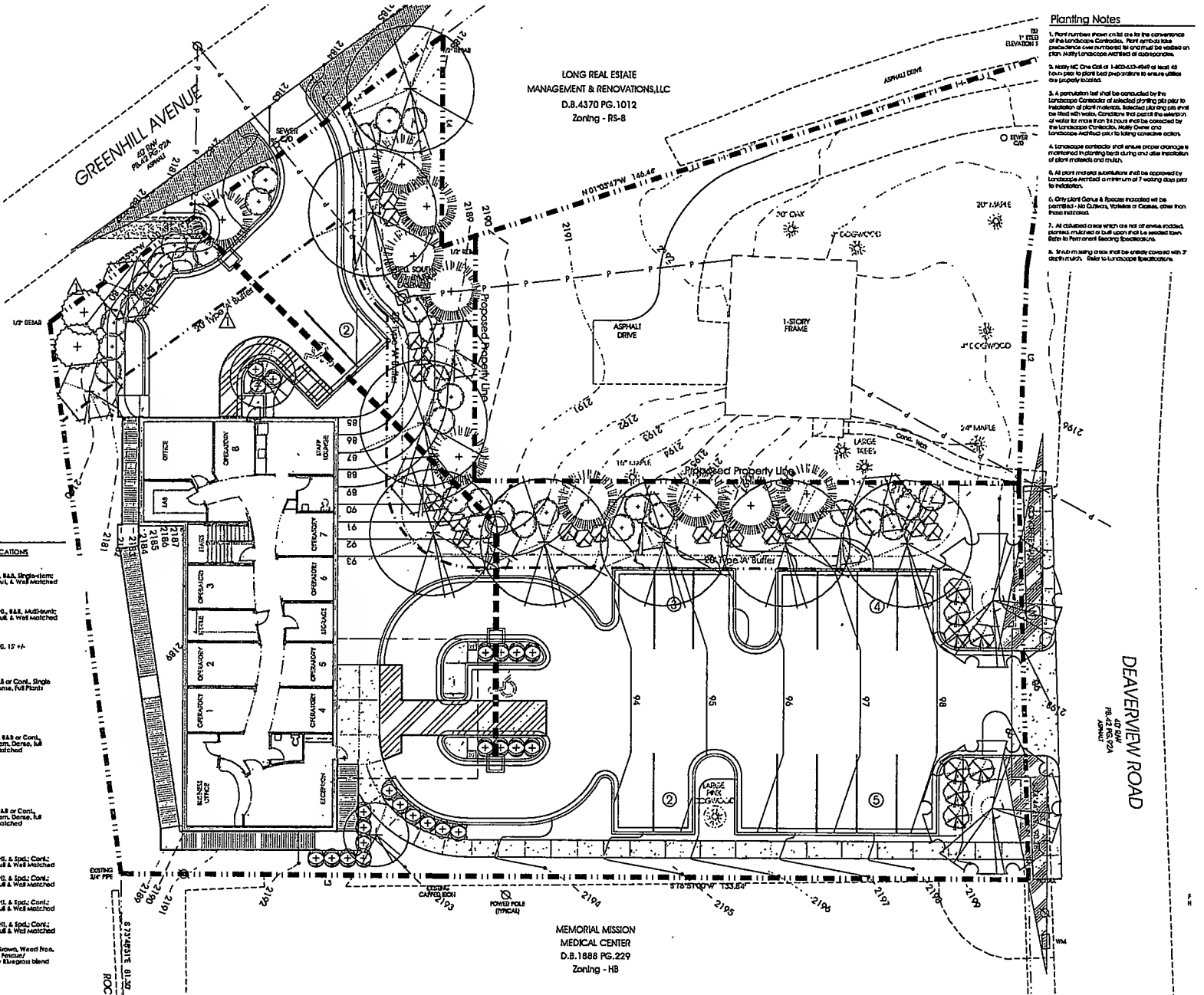
Landscape Calculations

	Requirement	Provided
Property Buffer Type "A" Buffer	287 l.f. See Plan for Location 151 36 36 36 28	151 * 36 36 36 28
	* Includes 3 preserved Magnolia noted	
Street Buffer @ 1 shrub per 5 l.f. of Parking abutting street	Deaverview Rd. = 36' 7 Shrubs	8 Shrubs
Street Trees @ 1 tree per 40 l.f.	Deaverview Rd. = 90' 2 Trees	2 Trees
Parking Area @ 1 LCS + 4 Shrubs per 1,000 sf of Vehicular Use Area	Vehicular Use Area = 6,476 sf 6 Trees 26 Shrubs	1/1 Property Buffer + 14 Shrubs
Building Impact @ 1 tree + 2 Shrubs per 1,000 sf of footprint	Footprint = 3,400 sf 3 Trees 6 Shrubs	3 Trees 6 Shrubs

Planting Schedule

KEY	#	NAME	SPECIFICATIONS
	2	Cornus florida 'Cherokee Chief' Cherokee Chief Dogwood	8'-10' Ht., B&B, Single-stem; Dense, Full, & Well Matched
	8	Amelanchier x 'Autumn Brilliance'*** Autumn Brilliance Serviceberry	12' - 15' Ht., B&B, Multi-trunk; Dense, Full & Well Matched
	2	Preserved Magnolia cluster Magnolia grandiflora	Existing Ht. 15' +/-
	10	Picea abies*** Norway Spruce	9' Ht., B&B or Cont., Single Stem, Dense, Full Plant
	2	Cercidiphyllum japonicum Katsura tree	2.5" Cal., B&B or Cont., Single Stem, Dense, Full & Well Matched
	8	Acer saccharum 'Green Mountain'*** Hybrid Sugar Maple	4" Cal., B&B or Cont., Single Stem, Dense, Full & Well Matched
	24	Ilex glabra 'Nigra' Nigra Inkberry	18" - 24" Ht. & Spd.; Cont.; Dense, Full & Well Matched
	22	Itea virginica 'Henry's Garnet'*** Virginia Sweetspire	24" - 30" Ht. & Spd.; Cont.; Dense, Full & Well Matched
	8	Prunus laurocerasus 'Otto Luyken' Otto Luyken Laurel	24" - 30" Ht. & Spd.; Cont.; Dense, Full & Well Matched
	33	Viburnum x 'Pragense'*** Prague Viburnum	30" - 36" Ht. & Spd.; Cont.; Dense, Full & Well Matched
	334 sy	Sod	Locally Grown, Weed Free, Turf-type Fescue/ Kentucky Bluegrass blend

** Plants required for Type A buffer specified at 1.5 times standard City of Asheville specification for grading within buffer limits



Planting Notes

1. Plant numbers shown on list are for the convenience of the Landscape Contractor. Plant symbols take precedence over numbered list and must be verified on plan. Notify Landscape Architect of discrepancies.
2. Notify NC One Call at 1-800-632-4949 at least 48 hours prior to plant bed preparations to ensure utilities are properly located.
3. A percolation test shall be conducted by the Landscape Contractor of selected planting pits prior to installation of plant materials. Selected planting pits shall be filled with water. Conditions that permit the retention of water for more than 24 hours shall be corrected by the Landscape Contractor. Notify Owner and Landscape Architect prior to taking corrective action.
4. Landscape contractor shall ensure proper drainage is maintained in planting beds during and after installation of plant materials and mulch.
5. All plant material substitutions shall be approved by Landscape Architect a minimum of 7 working days prior to installation.
6. Only plant Genus & Species indicated will be permitted - No Cultivars, Varieties or Classes, other than those indicated.
7. All disturbed areas which are not otherwise sodded, planted, mulched or built upon shall be seeded lawn. Refer to Permanent Seeding Specifications.
8. Shrub missing areas shall be entirely covered with 3" depth mulch. Refer to Landscape Specifications.

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MARK A. WILSON

THOMAS MORTON, DDS
Deaverview Road
Asheville, North Carolina

Landscape Plan

SW-5
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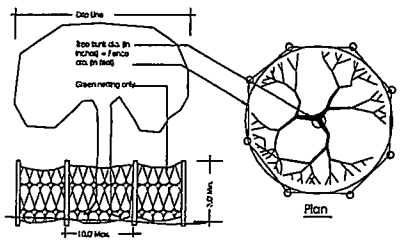
File Name: SW-5 LPP

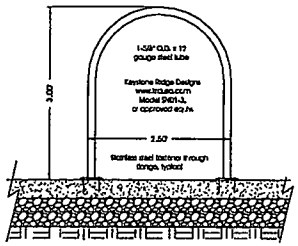
Project Folder: 13Stowe-MortonDentist

P & Z Commission revisions DATE: 04/21/14

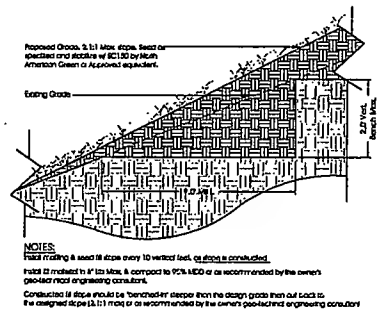
DATE: 03/12/14



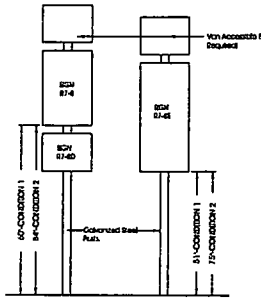
1 | DETAIL: TREE PROTECTION FENCING
SW-6 | SCALE: NOT TO SCALE

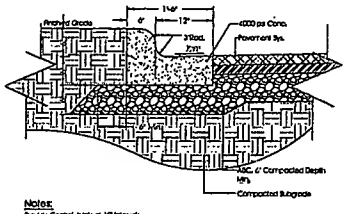

3.00'
1-5/8" O.D. x 12 gauge steel tube
Keystone Ridge Designs www.krpua.com Model SM01-3, or approved equ'a.
2.50'
Stainless steel fastener through flange, typical
Notes:
Dimensions are nominal. Color will be selected by architect and Owner.
One hoop unit will accommodate one or two bikes. 1 each is required.

2 | DETAIL: BICYCLE RACK
SW-6 | SCALE: NOT TO SCALE

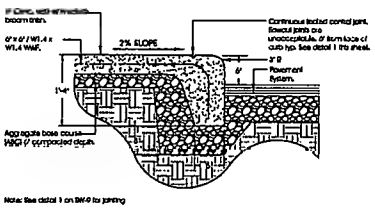

Proposed Grade, 3:1 Max. slope. Seed as specified and stabilize w/ EC150 by North American Green or Approved equivalent.
Existing Grade
2.0' Vert. Bench Min.
NOTES:
Install matting & seed fill slope every 10 vertical feet, as slope is constructed.
Install 2" material to 4" lifts Max. & compact to 95% MDD or as recommended by the owner's geo-tech/ civil engineering consultants.
Constructed fill slope should be "benched-in" deeper than the design grade then cut back to the designed slope (3:1) max or as recommended by the owner's geo-tech/civil engineering consultant

3 | DETAIL: BENCHED FILL SLOPE
SW-6 | SCALE: NOT TO SCALE

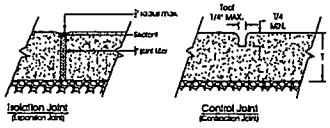

Van Accessible Sign (As Required)
SIGN R7-8
SIGN R7-8E
67'-0" (CONDITION 1 or CONDITION 2)
51'-0" (CONDITION 1)
75'-0" (CONDITION 2)
Galvanized Steel Posts
NOTES
- Condition 1 occurs if pedestrian path does not have to pass under or around sign
- Condition 2 occurs if pedestrian path goes by, under or around sign


Finished Grade
4" Road. Surface
4000 psi Conc. Pavement Sys.
Min. 6" Compacted Depth Mfr's
Compacted Subgrade
Notes:
Provide Control Joints at 10' Intervals
Provide Expansion Joints at 60' Intervals & at rigid surfaces
See detail 1 on SW-9 for jointing

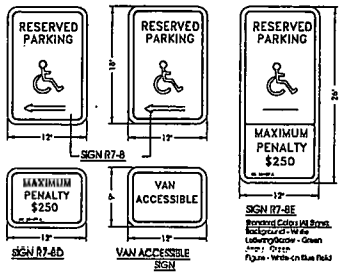
4 | DETAIL: 18" CURB & GUTTER
SW-6 | SCALE: NOT TO SCALE


Continuous tooled control joint. Exterior joints are unacceptable. 5" form face of curb typ. See detail 1 this sheet.
2% SLOPE
4" Pavement System
Aggregate base course-MDD 0" compacted depth
Note: See detail 1 on SW-9 for jointing

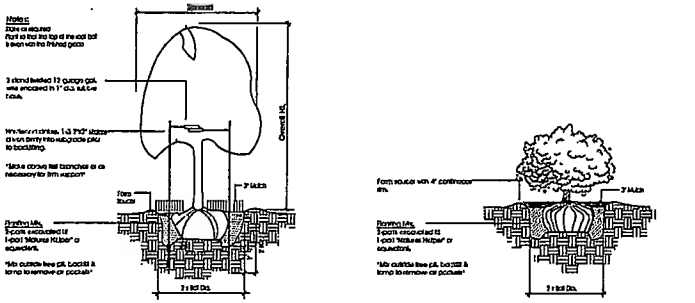
5 | DETAIL: CONC. WALK/CURB
SW-6 | SCALE: NOT TO SCALE


Isolation Joint (Expansion Joint)
Control Joint (Contraction Joint)
Notes:
Tooled control joints only. Saw cut joints are not acceptable. Provide 1/4 radius for edges of joint as indicated. After finishing joint, exercise to required depth, 1" for 4" slabs, 1.5" for 6" slabs and 2" for 8" slabs.
Provide Control Joints at 8' O.C. (Sidewalks)
Provide Expansion Joints at 48' O.C. (Sidewalks) and where all proposed concrete paving adjoins hard features including end tapered walls, slabs & foundation walls

6 | DETAIL: CONCRETE JOINTS
SW-6 | SCALE: NOT TO SCALE



7 | DETAIL: ACCESSIBLE SIGNAGE
SW-6 | SCALE: NOT TO SCALE



8 | DETAIL: TREE & SHRUB PLANTING
SW-6 | SCALE: NOT TO SCALE

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Construction Details 1 of 2

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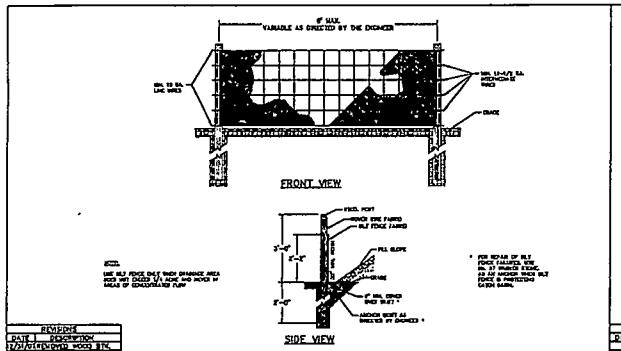
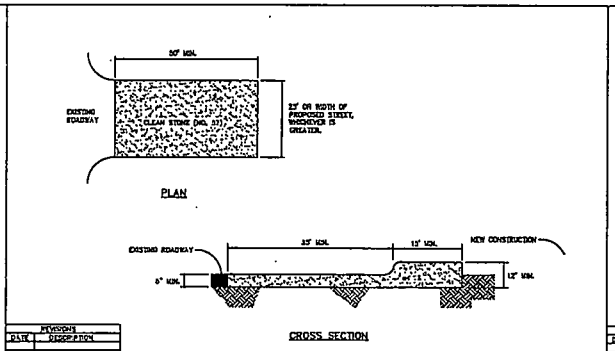
File Name: SW-6 DS

Project Folder: 13Stowe-MortonDentist

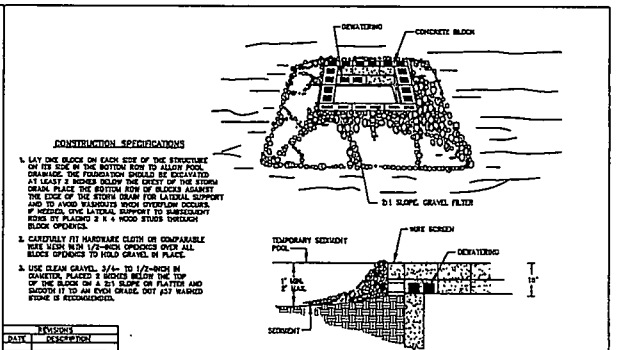
DATE: 03/12/14



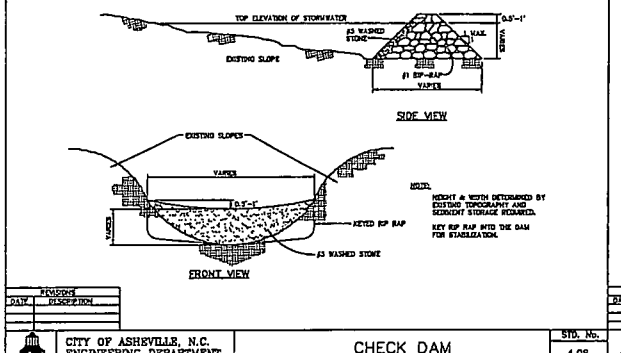
CITY OF ASHEVILLE, N.C. ENGINEERING DEPARTMENT | STANDARD TEMPORARY SILT FENCE | STD. No. 4.01



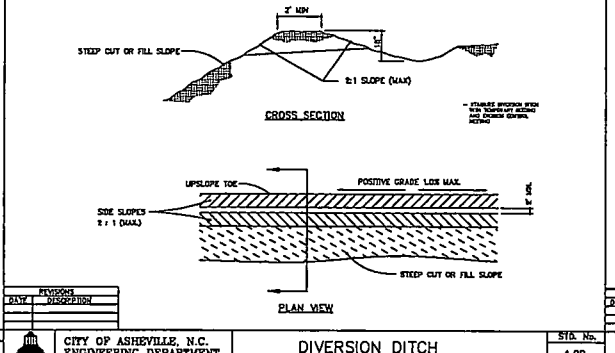
CITY OF ASHEVILLE, N.C. ENGINEERING DEPARTMENT | CONSTRUCTION ENTRANCE | STD. No. 4.07



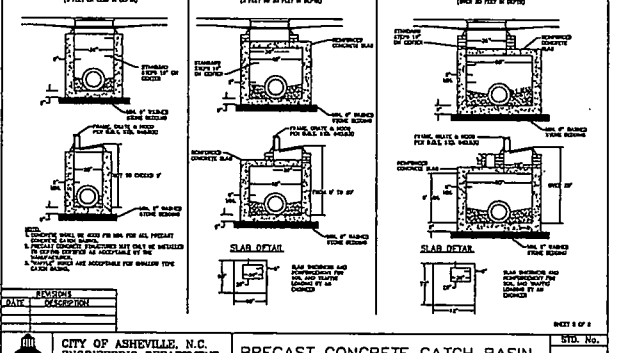
CITY OF ASHEVILLE, N.C. ENGINEERING DEPARTMENT | BLOCK AND GRAVEL DROP INLET PROTECTION | STD. No. 4.13



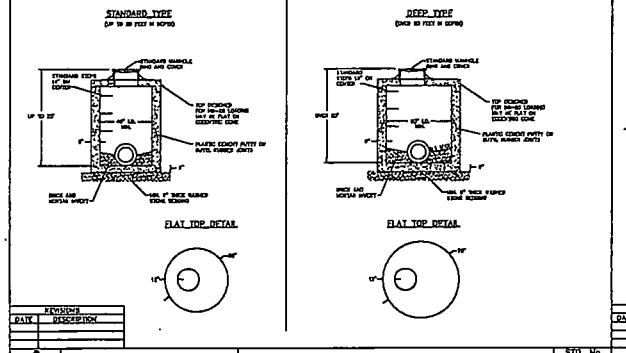
CITY OF ASHEVILLE, N.C. ENGINEERING DEPARTMENT | CHECK DAM | STD. No. 4.08



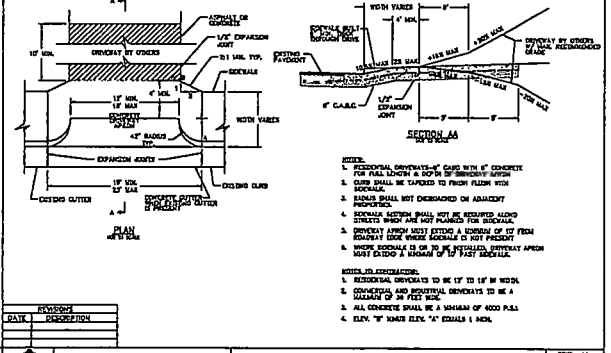
CITY OF ASHEVILLE, N.C. ENGINEERING DEPARTMENT | DIVERSION DITCH | STD. No. 4.09



CITY OF ASHEVILLE, N.C. ENGINEERING DEPARTMENT | PRECAST CONCRETE CATCH BASIN | STD. No. 8.03



CITY OF ASHEVILLE, N.C. ENGINEERING DEPARTMENT | PRECAST CONCRETE MANHOLE JUNCTION BOX | STD. No. 8.05



CITY OF ASHEVILLE, N.C. ENGINEERING DEPARTMENT | STANDARD DRIVEWAY APRON WITH SIDEWALK ADJACENT TO CURB | STD. No. 3.15A

Broadbooks Associates, P.A. Landscape Architecture Land Planning

C-190

THOMAS MORTON, DDS
Deaverview Road
Asheville, North Carolina

Construction Details 1 of 2

SW-7
of
7

NC ONE-CALL
CALL BEFORE YOU DIG
1-800-632-4949, or 811

Copyright 2014 by BROADBOOKS ASSOCIATES, P.A.

File Name: SW-6 DS

Project Folder: 13Stowe-MortonDentist

DATE: 03/12/14

ORDINANCE NO. 4312

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 10th day of June, 2014.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

PURPOSE: This Budget Amendment increases the Summer 2013 Water Sytem Improvements Capital Project Budget to $1,000,914.00.

Magdalen Burleson
City Clerk

87

City of Asheville
Budget Amendment

1. Effective Date: 6/10/2014
2. Fiscal Year: 2013-14

3. Amendment to Operating __ and/or Capital Project _X_ appropriation.

Water Resources | 6/10/2014

4. Requesting Department | 5. Today's Date | 6. Department Head Signature

7. Comments/Purpose: Increase the Infrastructure budget for the Summer 2013 Water System Improvements project in order to execute a construction contract with Patton Construction Group, Inc.

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Summer 2013 NEP				
Transfer From Water Oper 08/09				
61100911 - 498613 - W1306	$0.00	$0.00	$950,914.00	$950,914
Infrastructure				
61100911 - 615101 - W1306	$50,000.00	$50,000.00	$1,000,914.00	$950,914
NCDOT Brevard Road I-40 & I-26				
Transfer From Water Oper 08/09				
61100911 - 498613 - W0901	$860,832.00	$860,832.00	$0.00	($860,832)
Construction				
61100911 - 616102 - W0901	$4,230,000.00	$860,832.55	$3,369,168.00	($860,832)
McIntosh Road WL Replacement				
Transfer From Water Oper 08/09				
61100911 - 498613 - W1308	$466,000.00	$0.00	$375,918.00	($90,082)
Infrastructure				
61100911 - 615101 - W1308	$700,000.00	$123,196.61	$609,918.00	($90,082)

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4313

AN ORDINANCE AMENDING ARTICLE II, DIVISION 1, SECTIONS 24 AND 25 OF APPENDIX C OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

Section 1: That Article II, Division I, Section 24 (b) of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Twenty-Five miles per hour, City system) be amended to include:

Galax Avenue from Virginia Avenue to the End of City Maintenance

Mineral Springs Road from Beaucatcher Road to Tunnel Road

Stancliff Drive from Overlook Road to Pheasant Drive

Section 2: That all Ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed.

Section 3: That this Ordinance shall be in full force and effect upon adoption by the City of Asheville and the erection of signs giving notice of the authorized speed limit.

Read, approved and adopted this 10th day of June, 2014.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

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ORDINANCE NO. 4314

ORDINANCE AMENDING SECTION 2-171 AND 2-172 OF THE CODE OF ORDINANCES CREATING A MULTIMODAL TRANSPORTATION COMMISSION FOR THE CITY OF ASHEVILLE

WHEREAS, on May 14, 2013, by Ordinance No. 4190, City Council created a Multimodal Transportation Commission (herein "Commission"); and

WHEREAS, after a one-year review period, the Commission recommends and City Council agrees that it is in the best interest of the City of Asheville that the composition of the membership be changed;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. That subsections (b) and (c) of Section 2-171. Creation; Composition; Organization; be deleted in their entirety and the following substituted in lieu thereof:

(b) Composition. The Commission shall consist of nine voting members and three ex-officio non-voting members, all of whom shall be residents of the City of Asheville as follows:

(1) Two voting members representing transit interests;
(2) Two voting members representing greenway interests;
(3) Two voting members representing bicycle/pedestrian interests;
(4) Three at-large members;
(5) One ex-officio non-voting member of the Planning & Zoning Commission;
(6) One ex-officio non-voting member of the Sustainability Advisory Committee on Energy & the Environment; and
(7) One ex-officio non-voting member of the Neighborhood Advisory Committee.

(c) Representation and Appointment Process. All members shall be appointed by City Council with input from the Commission. Members shall represent various modes of transportation to include, but not be limited to: transit, greenways, automobiles, bikes, pedestrians, etc. Members shall possess expertise and interest in the sustainability and development of multimodal transportation and demonstrate willingness to participate actively in Commission efforts.

Section 2. That subsection (a) (6) of Section 2-172. Purpose, be deleted in its entirety.

Section 3. That except as herein amended, the remaining provisions of Ordinance No.4190, shall remain in effect.

Section 4. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. This ordinance is effective upon adoption.

Read, approved, and adopted this 24th day of June, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4315

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 24th day of June, 2014.

Magdalen Bullerson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Accept funds donated to APD

Magdalen Bullerson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2013/14

3. Amendment to Operating ____ and/or Capital Project _x___ appropriation.

4. Requesting Department	5. Today's Date	6. Department Head Signature
Police	6/24/2014	

7. Comments/Purpose: Donations of Funds to Asheville Police Department

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Private Donations				
22000120 483300 P9999	0.00		$1,100.00	$1,100.00
Expenditure:				
Supplies-Other				
22000122 524001 P9999	0.00		$1,100.00	$1,100.00

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:
16. Ordinance Number:
17. Date Received in Budget & Research:
18. Date Sent to City Clerk:
19. Date Posted:
By:
Sheet #:

Must be received by Budget & Research 14 days prior to the City Council Meeting.

ORDINANCE NO. 4316

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 24th day of June, 2014.

Magdalen Bullerson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Technical adjustments to appropriate sufficient budget for: 1) FY2014 Parks Maintenance Relocation project expenses; and 2) FY2014 Fire Station Land Purchase project expenses.

Magdalen Bullerson
City Clerk

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City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2013-14

3. Amendment to Operating ____ and/or Capital Project _x___ appropriation.

Finance	6/24/2014	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: to budget FY14 expenses for park maintenance relocation and fire station land purchase

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Park Maintenance Relocation				
Revenue:				
Debt Proceeds				
41000803 494150 B1403	$0.00	$0.00	$40,000.00	$40,000.00
Expenditures:				
Contracted Services				
41000803 521001 B1403	$0.00	$0.00	$40,000.00	$40,000.00
Fire Station Land Purchase				
Revenue:				
Debt Proceeds				
41000111 494000 F1401	$0.00	$0.00	$11,400.00	$11,400.00
Expenditures:				
Land				
41000111 611101 F1401	$0.00	$0.00	$11,400.00	$11,400.00
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4317

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 573 FAIRVIEW ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City and is determined to be reasonable and in the public interest as follows:

a) Low-impact community-based uses such as those proposed are considered appropriate along corridors such as this location;
b) Reuse of the existing building and general site layout minimizes disturbance to neighbors;
c) Access to and from the site will be reconfigured to have less impact on Shannon Drive residents;
d) Sidewalks will be provided along both road frontages;
e) Open space and existing trees will be preserved on site and
f) Additional landscaping will be provided around and within the site.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

> The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9657.39-2281, recorded in Deed Book 2066, Page 91 and currently owned by Helps International Ministries Inc., from Neighborhood Business (NB) to Community Business I Conditional Zoning District (CBI-CZ). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1", attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 24 day of June, 2014.

Magdalen Burleson
City Clerk

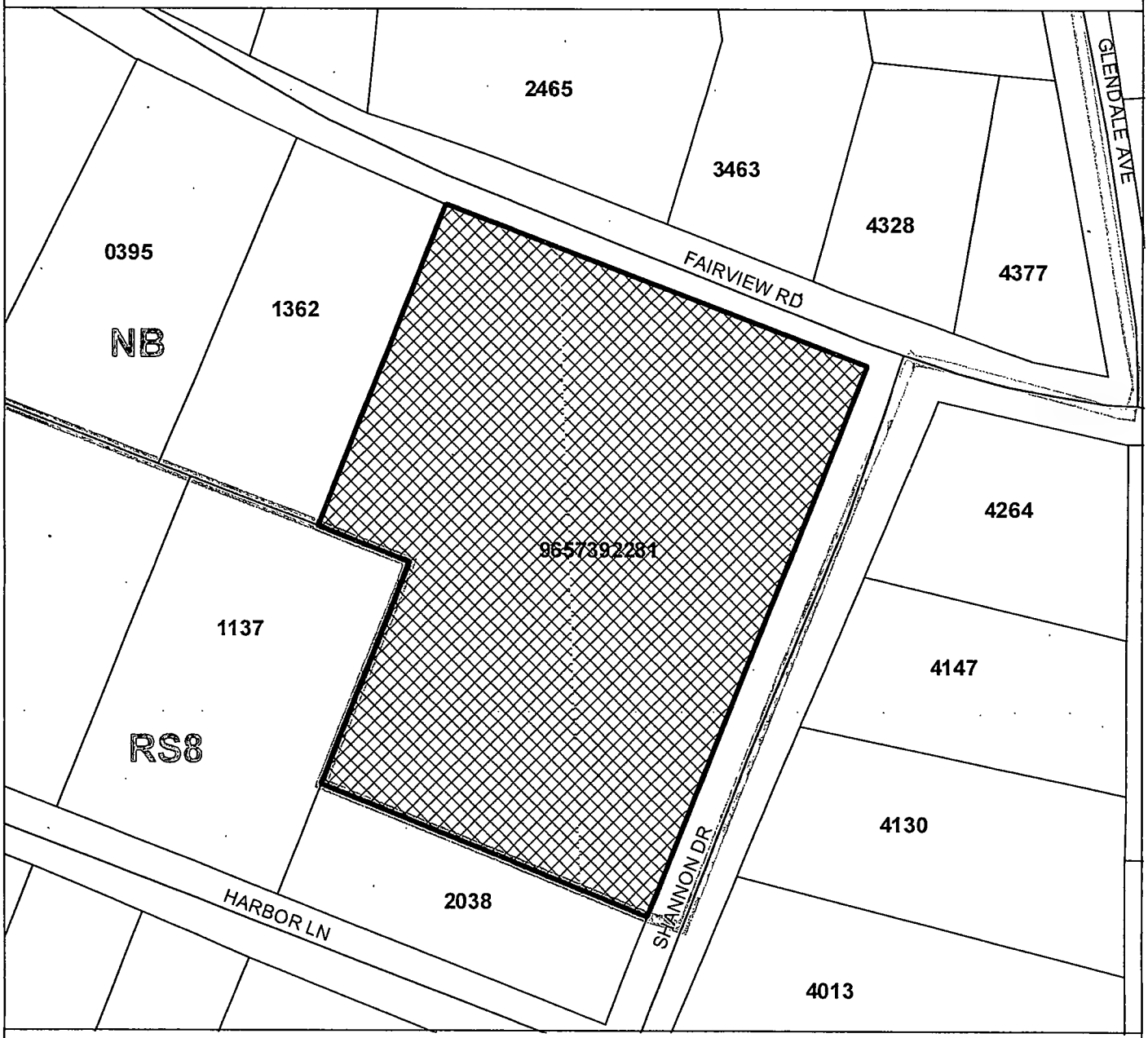
Mayor

Approved as to form:

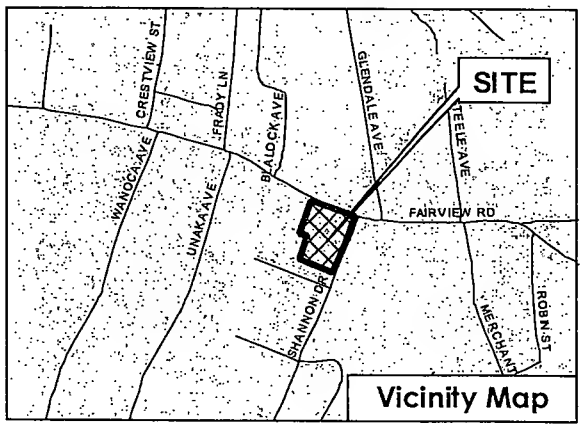
City Attorney

Magdalen Burleson
City Clerk

City of Asheville - Exhibit A Map
CZ - Roots & Wings School of Art & Design



Project Name:	Roots & Wings School of Art
Project Number:	14-05642 PZ
Project Description:	Art instruction facility
Petitioner(s):	Scott Huebner
Parcel ID Number(s):	9657-39-2281
Location/Address:	573 Fairview Road



Project Site | Parcels | Zoning Districts | Asheville City Limits | Streets | Streams

City of Asheville Planning and Development Department - May 2014

DRAFT
EXHIBIT B.1
CONDITIONS

1. Approval is for the reuse of an existing building for offices, instructional services, art studios and preschool.
2. Signage shall be separately permitted and shall meet the standards of the City of Asheville Sign Ordinance (Article XIII of Chapter 7 of the Code of Ordinances).
3. All site lighting must comply with the City's Lighting Standards (Section 7-11-10 of the Code of Ordinances). Proposed lighting plans must be submitted at Final TRC.
4. All landscaping must meet the minimum size requirements set forth in Section 7-11-3(f)(3) of the UDO. All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape and grading plans.
5. The property line buffer is modified in the following ways:
    a. Elimination of buffer behind existing building due to existing site constraints.
    b. 50% reduction in width and materials along the south and west boundaries.
    c. Four-foot grass strip, five-foot sidewalk and four to six foot planting strip behind the sidewalk along Shannon Drive to accommodate street trees, street buffer and additional evergreens.
6. Traffic flow will be restricted to entry-only on Shannon Drive and exit-only on Fairview Road.
7. New sidewalks will be provided along Shannon Drive and a portion of new curb and sidewalk will be constructed on Fairview Road in front of the existing building.
8. On-street parking for the uses will not be permitted along either Fairview Road or Shannon Drive.
9. The applicant is providing 0.17 acres of open space via a grass field and playground area.
10. All activities associated with the uses will occur between the hours of 7 am to 10 pm.
11. The project shall comply with all conditions outlined in the TRC staff report as indicated below:
    a. Plans are required to be submitted in engineering scale between 1"=10' and 1"=60'.
    b. Please add a plan note whether existing streets are publically or privately maintained and dimension ROW width.
    c. Street trees are required along Fairview Road (7-11-3).
    d. Please provide calculations for street trees for Fairview Road and the front section of Shannon Drive, based on linear frontage. Please provide calculations for street buffers for both frontages as well (7-11-3). For clarity, it may be helpful to put all of the calculations to the side of the drawing (similar to the parking calcs).
    e. Please note that shrubs are also part of the required Parking Lot landscaping (7-11-3).
    f. The existing driveway on Fairview Rd does not meet current standards. The plans show a one-way driveway, so the opening should be between 14 and 20 feet wide.
    g. All sidewalks, driveways, and other structures in the public right-of-way must meet the standards of the current draft Public Rights of Way Accessibility Guidelines (PROWAG).
    h. Bike storage area is noted on plan, but please show bike parking details.
    i. Please include wheel stops at the ADA spots to prevent vehicles from rolling into the walkway
    j. Show tree species on plan
    k. If planting under high voltage wires, small maturing trees are required. Move trees back from wires if possible
    l. Make sure new trees will be planted in the appropriate season

m. A Grading Permit will be required. Specific comments are not covered under this zoning review, and will be covered under a separate permit review. A separate grading submittal will need to be made at the time of Final TRC Submittal. Any revisions or resubmittals are to be submitted to the Development Services Department per the instructions at the end of this letter.
n. This project may qualify for an exemption to the requirement for a Stormwater Permit as a redevelopment. Provide pre- and post-development pervious and impervious areas along with the percentage of pre- and post-impervious area to allow for a determination of the requirements for a Stormwater Permit.
o. Wastewater allocation approval issued. If any food service or non-domestic waste is produced, MSD pre-treatment group will have to review and approve.
p. Plumber will need to evaluate existing sewer service line and determine location & connection point. Off-site easements may be required depending on location.

12. The project will undergo final review by the TRC prior to issuance of any permits and compliance with the items listed above will be required at that time.
13. A planning inspection is required prior to obtaining a certificate of occupancy. This inspection should be scheduled through the Development Services inspection line.

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ORDINANCE NO. 4318

ORDINANCE REZONING PROPERTY LOCATED AT 226 HILLIARD AVENUE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City, and is determined to be reasonable and in the public interest for the following reasons:

a.) Expansion of the CBD is generally recommended in the *2025 Plan* and specifically recommended along Asheland Avenue in the *Downtown Master Plan;*
b.) Application of the context transition edge and development standards in the UDO pertaining to building placement should minimize some impact to the adjacent neighborhood with future development; and
c.) Two similar requests have been approved in this immediate location over the past year, leading to staff and the Downtown Commission pursuing a multi-parcel rezoning effort.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

> The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PINs 9648.28-7804; 9648.28-6942; 9648.28-5932; 9648.28-7709 and 9648.28-5708, recorded in Deed Book 52, Page 632; currently owned by Hometrust Bank, from Regional Business district and Residential Single-family High Density district to Central Business District. A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity

of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 24th day of June, 2014.

Magdalen Bullerson
City Clerk

Mayor

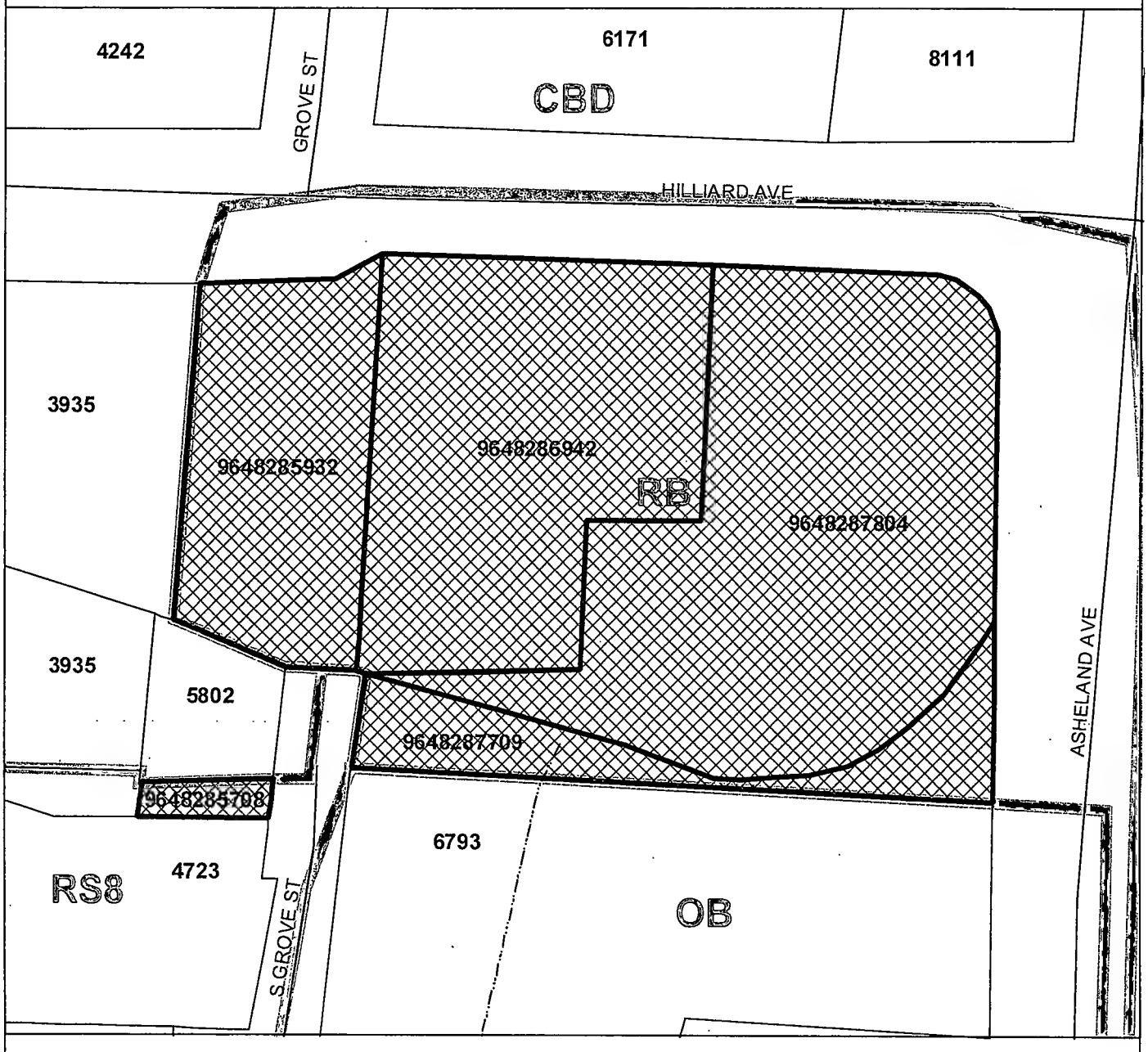
Approved as to form:

City Attorney

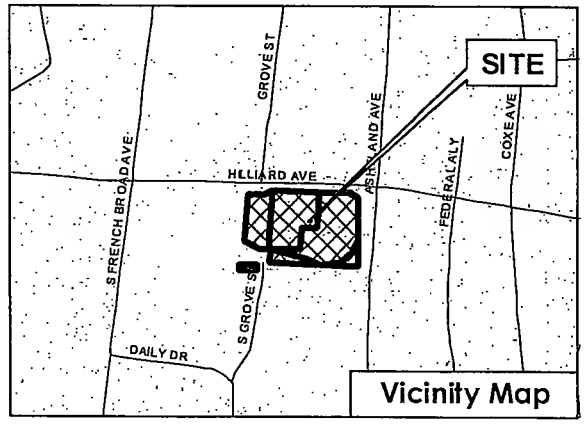
Magdalen Bullerson
City Clerk

101

City of Asheville - Exhibit A Map
Rezoning Request - 226 Hilliard Avenue



Project Name:	Rezoning Request
Project Number:	14-06232PZ
Project Description:	Rezone from RB and RS-8 to CBD
Petitioner(s):	G/M Property Group, LLC
Parcel ID Number(s):	9648-28-7804, -6942, -5932, -7709, -5708
Location/Address:	226 Hilliard Avenue



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Development Department - May 2014

ORDINANCE NO. 4319

ORDINANCE AMENDING OFFICIALLY ADOPTED MAPS PERTAINING TO THE CENTRAL BUSINESS DISTRICT: HEIGHT ZONE MAP AND CONTEXT TRANSITION EDGE MAP PERTAINING TO THE REZONING OF 226 HILLIARD AVENUE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, these maps appear in the development standards section for the Central Business District and pertain to height allowances and other development standards; and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City and is determined to be reasonable and in the public interest for the following reasons:

a.) The proposed map amendments are in accordance with adopted land use changes;
b.) The proposed map amendments implement portions of the City Council-adopted Downtown Master Plan, *2025 Plan* and supports the goals and vision plan;
c.) The map amendment will support the redevelopment of the south area of downtown and provide protection to adjacent residential uses.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The maps entitled Master Plan Concepts - Context Transition Edge Map and Height Zones be amended as proposed and attached hereto as Exhibit "A" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 24th day of June, 2014.

Magdalen Bradley
City Clerk

Mayor

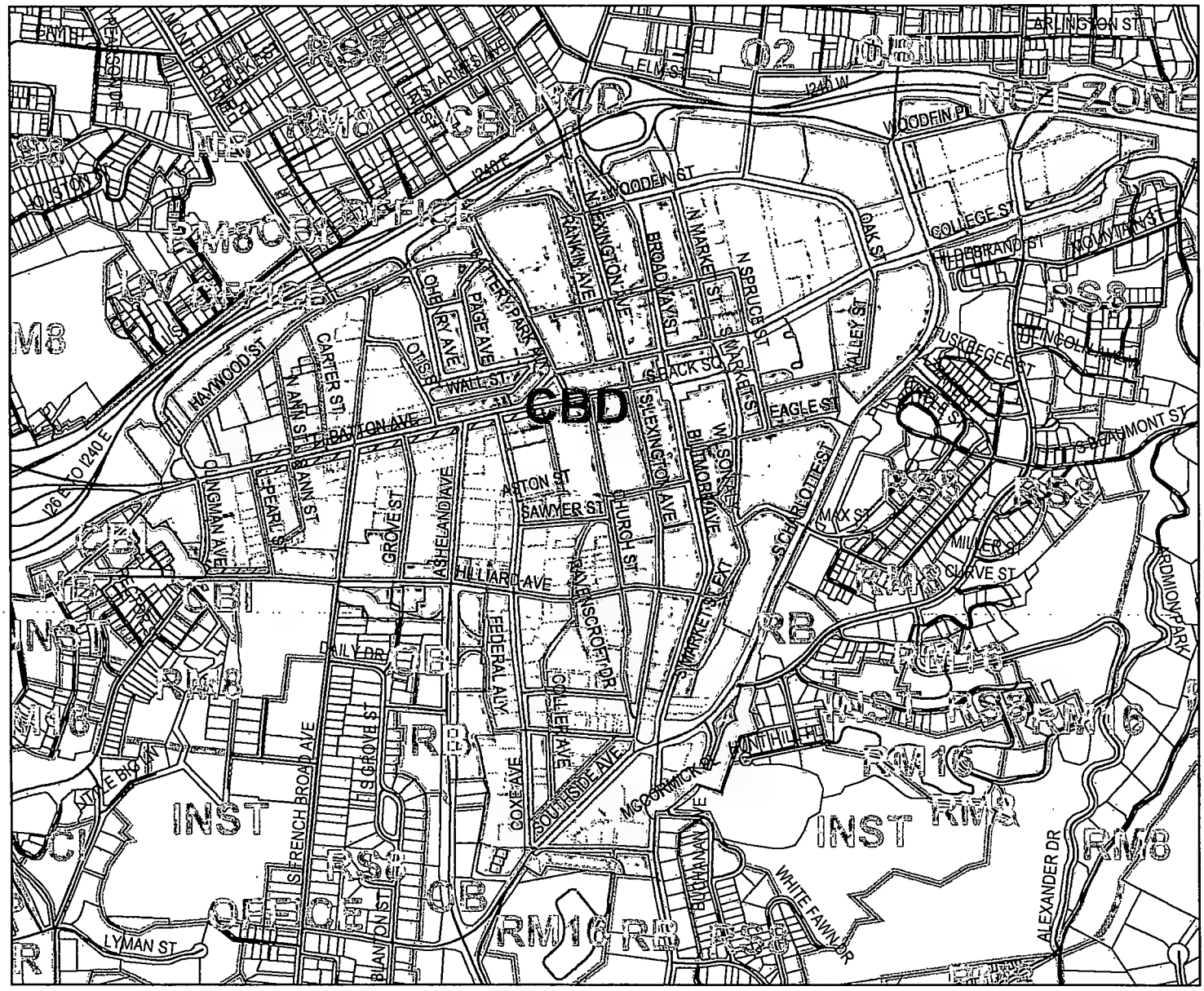
Approved as to form:

City Attorney

Magdalen Bradley
City Clerk

ASHEVILLE

City of Asheville - Downtown Master Plan Concepts Context Transition Edge and Height Zones



Legend

- Buffer_Height_Urban_Design_Sub
- Context Transition Edge
- Intermediate_Height_Zone
- Tallest_Height_Zone
- Parcels
- Streets
- Zoning Districts

This is the height zone map that the Downtown Commission has recommended for approval. This map includes the height zone areas for the Tallest Height Zone, the Intermediate Height Zone, Building Height Buffer Zone and the Context Transition Edge proposed.

City of Asheville Planning and Urban Design Department - June 2014

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ORDINANCE NO. 4320

AN ORDINANCE ADOPTING THE ANNUAL BUDGET AND FIXING THE TAX RATE FOR THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 2014-15

WHEREAS, Article 3 of Chapter 159 of the N. C. General Statutes requires local governments in North Carolina to adopt ordinances establishing an annual budget, in accordance with procedures specified in said Article 3; and

WHEREAS, the Asheville City Council, following a public hearing as required by law has considered the proposed annual budget for the City of Asheville for the 2014-15 fiscal year;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The following anticipated revenues and authorized expenditures by fund, together with a financial plan for internal service funds, are hereby appropriated for operating City government for the fiscal year beginning July 1, 2014 and ending June 30, 2015.

GENERAL FUND

Revenues:		
Taxes-Ad Valorem	$52,103,473	
Other Taxes	18,704,766	
Intergov Revenue	11,476,750	
Licenses and Permits	5,175,010	
Sales and Services	8,595,455	
Investment Earnings	150,000	
Miscell Revenue	1,342,500	
Oth Financing Source	2,000,000	
Total Revenues		$99,547,954
Appropriations:		
Departmental Operations		$99,547,954

WATER RESOURCES FUND

Revenues:		
Sales and Services	$34,364,376	
Investment Earnings	69,780	
Miscell Revenue	46,295	
Oth Financing Source	175,907	
Total Revenues		$34,656,358
Appropriations:		
Water Resources Operations		$34,656,358

PARKING SERVICES FUND

Revenues:		
Sales and Services	$600	
Investment Earnings	2,544	
Miscell Revenue	4,024,663	
Total Revenues		$4,027,807
Appropriations:		
Parking Services Operations		$4,027,807

STORMWATER FUND

Revenues:		
Licenses and Permits	$187,000	
Sales and Services	4,832,372	
Investment Earnings	11,000	
Miscell Revenue	25,000	
Oth Financing Source	206,000	
Total Revenues		$5,261,372
Appropriations:		
Stormwater Operations		$5,261,372

TRANSIT SERVICES FUND

Revenues:		
Intergov Revenue	$2,805,730	
Licenses and Permits	320,000	
Sales and Services	925,000	
Oth Financing Source	2,317,421	
Total Revenues		$6,368,151
Appropriations:		
Transit Services Operations		$6,368,151

US CELLULAR CENTER FUND

Revenues:		
Sales and Services	$2,163,922	
Investment Earnings	2,000	
Miscell Revenue	122,000	
Oth Financing Source	1,180,576	
Total Revenues		$3,468,498
Appropriations:		
Civic Center Operations		$3,468,498

STREET CUT UTILITY FUND

Revenues:		
Sales and Services	$1,550,800	
Oth Financing Source	100,000	
Total Revenues		$1,650,800
Appropriations:		
Street Cut Operations		$1,650,800

HOUSING PARTNERSHIP FUND (GENERAL FUND)

Revenues:		
Miscell Revenue	$150,000	
Oth Financing Source	500,000	
Total Revenues		$650,000
Appropriations:		
Housing Partnership Fund Ops.		$650,000

CAPITAL RESERVE 2100 FUND (GENERAL FUND)

Revenues:		
Oth Financing Source	$8,687,021	
Total Revenues		$8,687,021
Appropriations:		
Capital Reserve Fund Ops.		$8,687,021

INTERNAL SERVICE FUNDS

Revenues:		
Sales and Services	$16.556.903	
Investment Earnings	10,000	
Miscell Revenue	150,000	
Oth Financing Source	600,000	
Total Revenues		$17,316,903
Appropriations:		
Health Insurance	$13,987,606	
Workers Compensation	1,325,000	
Property & Liability	2,004,297	
Total Expenditures		$17,316,903

Section 2. All appropriations included in the following Capital Project and other multi-year project funds are approved for the financing life of each project, which may extend beyond one fiscal year.

GENERAL CAPITAL PROJECTS FUND

Revenues:		
Transfer from General Fund	$150,000	
Oth Financing Source	18,710,921	
Total Revenues		$18,860,921
Appropriations:		
General Capital Fund Expenditures		$18,860,921

WATER CAPITAL PROJECTS FUND

Revenues:		
Transfer from Water Resources Fund		$10,084,000
Appropriations:		
Water Capital Fund Expenditures		$10,084,000

TRANSIT CAPITAL PROJECTS FUND

Revenues:		
Transfer from General Fund	$47,807	
Total Revenues		$47,807
Appropriations:		
Transit Capital Fund Expenditures		$47,807

US CELLULAR CENTER CAPITAL PROJECTS FUND

Revenues:		
Transfer from General Fund	$111,050	
Miscellaneous	150,000	
Total Revenues		$261,050
Appropriations:		
US Cellular Center Capital Fund Expenditures		$261,050

COMMUNITY DEVELOPMENT BLOCK GRANT FUND

Revenues:		
Federal Grant	$955,989	
Program Income	160,700	
Total Revenues		$1,116,689
Appropriations:		
Fiscal 2013-14 CDBG Program		$1,116,689

HOME OWNERSHIP GRANT FUND

Revenues:		
Federal Grant	$1,009,187	
Program Income	88,753	
Total Revenues		$1,097,940
Appropriations:		
Fiscal 2013-14 HOME Program		$1,097,940

SECTION 108 REHAB GRANT FUND

Revenues:	
Program Income	$69,229
Appropriations:	
Section 108 Expenditures	$69,229

Section 3. It is estimated that revenues in the amounts indicated in the foregoing schedule will be available to support the foregoing appropriations. The fees & charges, as readopted and changed on April 8th, 2014 in ordinance number 4301 and amended by City Council in this ordinance, shall be set forth in a Fees and Charges Manual to be kept on file in the Office of the City Clerk.

Section 4. There is hereby levied for the fiscal year ending June 30, 2015, the following tax on each $100 assessed valuation of taxable property as listed on January 1, 2014 for purposes of raising the revenues from current year's property tax as set forth in the foregoing estimates of revenues and in order to finance the foregoing appropriations:

Tax Rate per $100 Assessed Valuation $0.4600

Such rate of tax is based on an estimated total assessed value of property for the purposes of taxation of $10,751,520,202 assuming 99.00% collection of the levy. In addition, Ad Valorem Tax revenue from taxes levied on motor vehicles at the same tax rate is estimated at $2,639,128.

Section 5. The City Manager is authorized to amend the budget by transfer of appropriations within each fund. All amendments affecting revenues or total fund appropriations shall be approved by ordinance by the City Council, to be acted on at any regular or special meeting and approved by a simple majority of those present and voting, a quorum being present. Only one reading will be required and a public hearing or publication of notice is not necessary unless requested by Council.

Section 6. The City Manager is authorized to expend up to $20,000 in general contingency funds in the event of any need he deems an emergency. Said action shall be reported to the City Council at the next regularly scheduled Council meeting and the budget ordinance amended accordingly.

Section 7. The reserve for encumbrances at June 30, 2014 and carry-over appropriations, representing prior commitments as of that date shall be reappropriated pursuant to North Carolina General Statute 159-13, to the departments within various funds, under which expenditures may be made during fiscal year 2014-15 as the previous commitments are satisfied.

Section 8. Copies of this ordinance shall be furnished to the City Manager and Director of Finance, to be kept on file by them for their direction in the collection of revenues and expenditures of amounts appropriated.

Section 9. Effective July 1, 2014, the Pay & Classification Plan is amended to incorporate all personnel actions such as reclassifications and pay modifications recommended by the Human Resources department and approved by the City Manager. Funding for the Plan and compensation items is included in the various departments.

Section 10. Compensation for the Mayor, Vice-Mayor and Councilmembers will be $19,743.36- $20,335.66, $16,385.20-$16,876.76, and $14,505.14-$14,940.29, respectively. Travel for official activities will be reimbursed under the same plan used for City employees.

Section 11. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

Section 12. That this ordinance shall be in full force and effect upon date of final passage.

Read, approved and adopted this 24th day of June, 2014.

Magdalen Bruleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bruleson
City Clerk

Item or Service	Adopted Fee	Proposed New Fee	Additional Revenue
Parks & Recreation			
Athletic Season Usage			
Community Leagues - Lights	$750.00	$125.00	loss of $5,000
Community Leagues - Without Lights	$350.00	$125.00	
Registration Fee (Athletics)			
Non-City Resident	$25.00	$10.00	$0
Public Works			
Right of Way Cut Permit			
a. Failure to Obtain	$ 250.00 initial plus $ 100.00 Daily after Initial	remove & add to code of ordinance (penalty)	no change
b. Exceeding Time	$ 100.00 per day	remove & add to code of ordinance (penalty)	
c. Penalty Max	$5,000.00	remove & add to code of ordinance (penalty)	
Public Works (Stormwater Fund)			
Single Family Properties	all $2.34/mo.	225-2000 Sq Ft: $2.50/mo. 2001-4000 Sq. Ft: $4.00/mo. <4001 Sq. Ft: $5.50/mo.	
Non-Single Family Properties	$2.34 per ERU/mo.	$4.00 per ERU/mo.	$1,930,455
Transit Services Fund			
Annual Pass			
Adult	$238.00	$220.00	loss of $50,000
Discount	$119.00	$110.00	
Monthly Pass			
Adult	$25.00	$20.00	
Discount	$12.50	$10.00	

ORDINANCE NO. 4321

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 24th day of June, 2014.

Magdalen Bradley
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Craven St Improvement Project

Magdalen Bradley
City Clerk

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City of Asheville

1. Effective Date: 6/24/2014

Budget Amendment Details

2. Fiscal Year: 2013-14

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

PUBLIC WORKS | 6/19/2014 |

4. Requesting Department | 5. Today's Date | 6. Preparer's Name

7. Comments/Purpose: Craven Street Improvements Construction

8. Account Number	Budget	Balance	Budget	Decrease By
GENERAL CAPITAL PROJECT			$0	
Revenue:			$0	
Restricted Intergov Fed Grants	0.00	0.00	$645,864	645,864.43
41000231:435000:E1202		0.00	$0	
Installment Purch Proceed	177,418.00	177,418.00	$3,732,880	3,555,461.50
41000231:492000:E1202		0.00	$0	
Oper Transfers from General Fd	170,840.00	80,697.00	$90,143	-80,697.00
41090231:498100:E1202		0.00	$0	
Infrastructure	0.00	0.00	$2,127,221	2,127,220.54
41000231:615101:E1202		0.00	$0	
Expenditures:		0.00	$0	
Improv- Other than Buildings	0.00	0.00	$1,993,408	1,993,408.39
41000803:611102:E1202		0.00	$0	
		0.00	$0	
WATER CAPITAL PROJECT		0.00	$0	
Revenue:		0.00	$0	
Restricted Intergov Fed Grants	0.00	0.00	$71,315	71,315.05
61100911:435000:E1202		0.00	$0	
Oper Transfers Wtr Dept Fund	10,500.00	-87,000.00	$344,861	334,360.75
61190911:498601:E1202		0.00	$0	
Transfer From Water Oper 12/13	-10,500.00	-10,500.00	$0	10,500.00
61190911:498617:E1202		0.00	$0	
		0.00	$0	
Infrastructure	0.00	0.00	$416,176	416,175.80
61100911:615101:E1202		0.00	$0	
			$0	
			$0	
PARKING CAPITAL PROJECT			$0	
Revenue:			$0	
Restricted Intergov Fed Grants	0.00		$85,503	85,502.70
62100220:435000:E1202			$0	
Installment Purch Proceed	0.00		$381,884	381,883.50
62100220:492000:E1202			$0	
Oper Transfers Parking Service	65,777.00		$97,362	31,585.00
62190220:498633:E1202			$0	
Expenditures:			$0	
Improv- Other than Buildings	0.00		$498,971	498,971.20
62100220:611102:E1202			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:
By:
Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

City of Asheville
Budget Amendment Details

1. Effective Date: 6/24/2014
2. Fiscal Year: 2013-14

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

PUBLIC WORKS | 6/19/2014 | 4. Requesting Department | 5. Today's Date | 6. Preparer's Name

7. Comments/Purpose: Craven Street Improvements Construction

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
STORMWATER CAPITAL PROJECT			$0	
Revenue:			$0	
Installment Purch Proceed	0.00	0.00	$1,112,834	1,112,833.95
62500220:492000:E1202		0.00	$0	
Restrictd Intergv State Grants	0.00	0.00	$684,719	684,718.82
62500220:436000:E1202		0.00	$0	
Oper Transfers from Strm Wtr	138,569.00	68,241.96	$206,811	68,241.96
62590320:498639:E1202		0.00	$0	
Expenditures:		0.00	$0	
Infrastructure	0.00	0.00	$1,865,795	1,865,794.73
62500320:615101:E1202			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
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			$0	
			$0	
			$0	
			$0	
			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:
By:
Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

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ORDINANCE NO. 4322

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 24th day of June, 2014.

Magdalen Bruleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Bent Tree Project

Magdalen Bruleson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2013-14

3. Amendment to Operating ____ and/or Capital Project _x___ appropriation.

Public Works — 4. Requesting Department
6/24/2014 — 5. Today's Date
6. Department Head Signature

7. Comments/Purpose: to increase Bent Tree project budget based on contract +10%

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Restricted Intergov Fed Grants				
41003002 435000 K1423	$486,604.61	$0.00	$515,099.61	$28,495.00
Restrictd Intergv State Grants				
41003002 436000 K1423	$162,201.54	$0.00	$171,700.54	$9,499.00
Expenditures:				
Infrastructure				
41003002 436000 K1423	$616,031.15	$0.00	$654,025.15	$37,994.00
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:
16. Ordinance Number:
17. Date Received in Budget & Research:
18. Date Sent to City Clerk:

19. Date Posted:
By:
Sheet #:

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

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ORDINANCE NO. 4323

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 22nd day of July, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Westwood Road Storm Drainage Improvements Construction Project

Magdalen Burleson
City Clerk

City of Asheville

Budget Amendment Details

1. Effective Date: 7/22/2014

2. Fiscal Year: 2014-15

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

Public Work | 4. Requesting Department | 5. Today's Date | 6. Preparer's Name

7. Comments/Purpose: Westwood Road Storm Drainage Improvements Construction Project

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Appropriated Fund Balance			$0	
62400320:499100	$0	$0	$72,147	$72,147
			$0	
Expenditures:			$0	
Transfer to Stormwater Cap Fnd			$0	
62490320:800625	$430,000	$430,000	$502,147	$72,147
			$0	
			$0	
			$0	
Revenue:			$0	
Oper Transfers from Strm Wtr			$0	
62590320:498624:S1404	$280,000	$280,000	$352,147	$72,147
			$0	
Expenditures:			$0	
Infrastructure			$0	
62500320:615101:S1404	$280,000	$50,000	$352,147	$72,147
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

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ORDINANCE NO. 4324

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 22nd day of July, 2014.

Magdalen Bullion
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Biltmore Avenue Bridge Flood Reduction Project

Magdalen Bullion
City Clerk

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2014-15

3. Amendment to Operating ____ and/or Capital Project _x___ appropriation.

4. Requesting Department	5. Today's Date	6. Department Head Signature
Public Works	7/22/2014	

7. Comments/Purpose: to budget Biltmore Ave Bridge design

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
State Grant				
62500320-436000 S1501	$0.00	$0.00	$750,000.00	$750,000.00
Expenditures:				
Professional Srv				
62500320-521002 S1501	$0.00	$0.00	$750,000.00	$750,000.00
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

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ORDINANCE NO. 4325

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 22nd day of July, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Audio Visual Renovations

Magdalen Burleson
City Clerk

City of Asheville

Budget Amendment Details

1. Effective Date: 7/22/2014

2. Fiscal Year: 2014-15

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

Administrative Services | | 4. Requesting Department | 5. Today's Date | 6. Preparer's Name

7. Comments/Purpose: Government Channel and Council Chamber Audio Visual Renovations

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Oper Transfer Cap Reserve Fd			$0	
41090015:498202:G0904	$106,000	$0	$87,692	($18,308)
			$0	
Expenditures:			$0	
Contracted Services			$0	
41000015:521001:G0904	$38,000	$841	$37,159	($841)
Supplies			$0	
41000015:524001:G0904	$19,509	$17,467	$2,042	($17,467)
			$0	
Revenue:			$0	
Oper Transfer from General Fd			$0	
41090131:498100:B1101	$450,000	$0	$294,243	($155,757)
			$0	
Expenditures:			$0	
Contracted Services			$0	
41000131:521001:B1101	$5,950,000	$821,756	$5,794,243	($155,757)
			$0	
Revenue:			$0	
Oper Transfer Cap Reserve Fd			$0	
41000015-498202 G1503	$0		$18,308	$18,308
			$0	
Transfer from General Fund			$0	
41000015-498100 G1503	$0		$155,757	$155,757
Expenditures:			$0	
Macinery & Equipment			$0	
41000015-614101 G1503	$0	$0.00	$174,065	$174,065
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

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ORDINANCE NO. 4326

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 22th day of July, 2014.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Technical budget amendment for Design of the Velodrome, and Design for the Carrier Park Restroom Renovations.

Magdalen Bowlson
City Clerk

City of Asheville

Budget Amendment Details

1. Effective Date: 7/22/2014

2. Fiscal Year: 2014-15

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

PRCA

4. Requesting Department | 5. Today's Date | 6. Preparer's Name

7. Comments/Purpose: Technical budget amendment for Design of the Velodrome, and Design for the Carrier Park Restroom Renovations.

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Transfer from General Fund			$0	
41090803:498100:R1405	$27,000	$31,000	$31,000	4,000.00
			$0	
Expenditures:			$0	
Professional Services			$0	
41090803:521002:R1405	$27,000	$15,000	$31,000	4,000.00
			$0	
			$0	
			$0	
Revenue:			$0	
Transfer from General Fund			$0	
41090803:498100:R1406	$22,850	$36,350	$36,350	13,500.00
			$0	
Expenditures:			$0	
Professional Services			$0	
41090803:521002:R1406	$22,850	$12,500	$36,350	13,500.00
			$0	
			$0	
			$0

126

ORDINANCE NO. 4327

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 22nd day of July, 2014.

Magdalen Bullison
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Contribution to WNC DEC

Magdalen Bullison
City Clerk

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2014-15

3. Amendment to Operating __x__ and/or Capital Project ____ appropriation.

Human Resources | 7/22/2014
4. Requesting Department | 5. Today's Date | 6. Department Head Signature

7. Comments/Purpose: to budget contribution to WNC DEC.

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Fund Balance				
11000010 499100	$2,000,000.00	$0.00	$2,010,000.00	$10,000.00
Expenditures:				
Awarded Grants				
11000040 527101	$0.00	$0.00	$10,000.00	$10,000.00

128

ORDINANCE NO. 4328

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO UPDATE THE DEFINITION OF GATED COMMUNITY

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, in Chapter 7 of the Code of Ordinances of the City of Asheville "Gated community" is defined; and

WHEREAS, this definition is found to be unnecessarily restrictive prohibiting property owners from securing their individual private properties for security purposes; and

WHEREAS, amending this definition would be in the community's interest affording heightened security and control while preserving other goals for connectivity and community;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. This amendment is consistent with the comprehensive plan and other applicable and officially adopted plans, and is reasonable and in the public interest for the following reasons:

   a. Controlling access and empowering property owners supports the Police Goals of the Asheville City Development Plan;

   b. The amendment preserves the goal of connectivity and community in the Land Use & Transportation section of the Asheville City Development Plan; and

   c. The amendment protects personal security and promotes effective traffic control.

2. Chapter 7 of the Code of Ordinances of the City of Asheville is hereby amended as follows:

   a. Section 7-2-5 is amended by replacing the existing definition of gated community with:

      Gated community means a subdivision, neighborhood or residential community where any vehicular or defined

pedestrian access to more than one parcel is unavailable to the general public as the result of a barrier that may include, but would not be limited to, gates, security personnel, fences or walls. This definition would not include gates or other barriers limiting access to an individual parcel.

3. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

4. All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

5. This ordinance will become effective upon adoption.

Read, approved, and adopted this 22nd day of July, 2014.

Magdalen Bollinson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bollinson
City Clerk

130

ORDINANCE NO. 4329

ORDINANCE AMENDING CHAPTER 11 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO REGULATE TRESPASS TOWING FROM PRIVATE PARKING LOTS

WHEREAS, on April 14, 2009, pursuant to N.C.G.S. § 160A-174, the City adopted Section 11-18(c1) of the Asheville City Code, which regulates the towing of vehicles from private parking lots without the consent of the owner of the vehicle; and

WHEREAS, on June 12, 2014, the North Carolina Supreme Court decided the case of King v. Town of Chapel Hill, 758 S.E.2d 364 (2014) in which the court held that inter alia, the Town of Chapel Hill did not have authority under N.C.G.S. § 160A-174 to create a fee schedule which regulated and/or capped the fees that a towing company could charge vehicle owners; and

WHEREAS, Asheville City Code, Section 11-18(c1)(2) currently limits or caps towing fees in a manner held unlawful by the Supreme Court in King, and, therefore, the City desires to amend the ordinance to comply with the Supreme Court's decision.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Section 11-18 of the Asheville City Code is amended as follows:

(a) By deleting existing subsection (c1)(2) and renumbering Section (c1) of the ordinance accordingly:

"(c1) It shall be unlawful to engage in trespass towing as defined herein except in accordance with the following provisions:

(1) Definitions:

a. *Trespass towing.* The practice of towing, removing or storing a motor vehicle that is parked or left on private property without the consent of the vehicle operator.

b. *Vehicle operator.* Registered owner or other person legally responsible for a motor vehicle.

c. *Motor vehicle.* The definition of "Class C Motor Vehicle" contained in N.C.G.S. 20-4.01 is hereby incorporated by reference.

d. *Private lot.* Any private property that is subject to subsection (a) of this section, whether or not a designated parking area is located thereon.

e. *Tow service*. Any person or business that is engaged in the business of towing or removing motor vehicles for a fee.

f. *Trespass vehicle*. Any motor vehicle that is parked or left in a private lot without permission or authority from the owner, lessor, or person in legal control of said lot.

g. *Storage facility*. A place to which trespass vehicles are transported and stored in connection with a trespass tow.

(2) Any tow service that has initiated a trespass tow by, at a minimum, positioning a tow truck or wrecker in preparation for securing the trespass vehicle to the tow truck by a hook, chain, cable or similar device, but has not removed the trespass vehicle from the private lot shall upon request of the vehicle operator, release said vehicle upon payment of the release fee.

(3) Any tow service that is engaged in a trespass tow shall, upon request of the vehicle operator, permit the vehicle operator to have access to the trespass vehicle for the purpose of retrieving personal property therefrom.

(4) Any tow service that engages in a trespass tow shall accept at least two nationally recognized credit or debit cards (such as MasterCard or Visa) in payment for any fee established in this ordinance.

(5) The lot or facility to which any trespass vehicle is removed shall be located within a ten mile radius of the Central Business District or Biltmore Village, and shall be secured and lighted in such a manner as to keep the vehicle safe from break-ins or damage while in storage. A fenced storage yard with average surface level lighting of two footcandles shall be deemed compliant with this section.

(6) Any tow service that engages in a trespass tow shall, within 30 minutes of removing the vehicle from the private lot report, to the Asheville Police Department by telephone communication the fact that a vehicle was towed and shall provide a description of the vehicle including make, color, and license tag number.

(7) Any tow service that engages in a trespass tow shall have a person on call 24 hours every day who is capable of acknowledging requests to retrieve a towed vehicle within 15 minutes of receiving such request, and of releasing said vehicle within 45 minutes of receiving the request.

(8) Removal of a vehicle that is not a trespass vehicle from a private lot without the consent of the vehicle operator shall be a violation of this section, and shall subject the offender to civil penalties in an amount three times the amount specified in Appendix B.

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(9) Interference with any tow service that is carrying out a trespass tow, except to request release of, access to, or retrieval of the vehicle, is a violation of this section.

(10) Any person or business that engages in immobilizing or "booting" a trespass vehicle shall include information on the sign required by subsection (a), above, and shall comply with subparagraph (7), above, as to responding to requests to release the vehicle.

(11) This subsection (c1) shall not apply to statutory parking violations such as parking in spaces designated for handicap parking, or parking in fire lanes; nor shall this subsection (c1) apply to non-consensual tow initiated by a governmental enforcement officer.

Section 2. Appendix B of the Asheville City Code, Schedule of Civil Penalties, shall be amended as set forth herein below:

first violation	--	$100.00
second violation	--	$200.00
third violation	--	$300.00
fourth violation	--	$400.00
fifth violation	--	$500.00

Section 3. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. This ordinance is effective upon adoption.

Read, approved and adopted this 26th day of August, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4330

ORDINANCE GRANTING FRANCHISE TO OPERATE A TROLLEY BIKE TOUR SERVICE (PUB CYCLE) WITHIN THE CITY OF ASHEVILLE

WHEREAS, the City of Asheville (herein "City") has the authority pursuant to G.S. 160A-296 to control the use of streets and sidewalks within the city; and

WHEREAS, the City of Asheville has the authority pursuant to G.S. 160A-76 to grant franchises; and

WHEREAS, Peech Development, Inc. d/b/a Amazing Pubcycle, a North Carolina Corporation (herein "Amazing Pubcycle"), proposes to operate a trolley bike tour service on the streets of the City; and

WHEREAS, the City has determined that it is in the public interest to permit the operation of said service on the City's streets, subject to certain terms and conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Amazing Pubcycle is hereby granted a franchise to operate a Trolley Bike Tour Service (herein "Pubcycle") on the streets of the City of Asheville subject to the following terms and conditions:

1. Route: The Pubcycle Service is allowed only in the following areas: the Central Business District (CBD), as shown on the map attached hereto as **Exhibit A** and a River Arts District Route as shown on the map attached hereto as **Exhibit B**. The River Arts District Route includes the following streets, Hilliard Avenue, Clingman Avenue, Clingman Avenue Extension, Roberts Street, West Haywood Street, Craven Street, and the section of Haywood Road between Roberts Street and Clingman Avenue Extension. In addition, the Pubcycle is prohibited from operating on public streets where the speed limit is thirty-five (35) miles per hour or higher. The operation of the Pubcycle Service shall be designed so as to minimize traffic impacts upon the general circulation of vehicular and pedestrian traffic of the City. The Pubcycle Service shall not load or unload passengers directly from Patton Avenue, College Street, Broadway or Biltmore Avenue unless there is an open parking space or a loading/unloading zone into which the Pubcycle can safely enter in order to prevent blocking the flow of traffic.

   The Pubcycle Service is also prohibited from operating on any State of North Carolina maintained street within the Central Business District including US 25 (Biltmore Ave/Broadway), SR 3284 (South Charlotte Street), and NC 694 (Town Mountain Road) except with express written permission from the NCDOT and a copy of such permission is delivered to the Transportation Director. Since the vehicle is registered and has an appropriate license tag from the NCDOT Division of Motor Vehicles, it can operate on State of North Carolina maintained streets.

2. Stops and Parking: Pubcycle Service stops may not exceed three minutes on any public right-of-way, except as necessary to embark and debark passengers, or with the written permission of the City Traffic Engineer. Loading zones may be used for stops of this limited duration. All service stops shall be made in a way to minimize any possible disruption to the flow of vehicular traffic. It is anticipated that the Pubcycle Service will secure parking mainly in private lots when longer stops (i.e. waiting for passengers while they are in restaurants) are required.

3. Operating times/frequency: For all operations, the hours of operation shall be limited to between 1:00 p.m. to 3:00 a.m., Monday thru Friday, and no restrictions on Saturdays, Sundays and City Holidays. City reserves the right to change these hours at its sole discretion, provided that ABT is given a 30 day notice of such change. The Pubcycle is prohibited from operating in any City approved festival or event area where the roadways are blocked including, but not limited to, the Bele Chere festival except with written permission from the event organizer.

4. Terms of Franchise/Renewal: The term of this Franchise shall be indefinite, subject to the Revocation/Termination provisions of Paragraph 10 of this Ordinance.

5. Insurance: Amazing Pubcycle shall maintain Commercial General Liability insurance, including coverage for contractual liability, liability from independent contractors, property damage liability, bodily injury liability, and personal injury liability with limits of not less than $1,000,000 per occurrence, and $1,000,000 annual aggregate. The coverage shall be written on an occurrence basis. At all times during the term of this Franchise, Amazing Pubcycle shall maintain statutory Workers' Compensation insurance in accordance with the laws of North Carolina. Amazing Pubcycle shall also maintain Employers' Liability insurance with limits of not less than $500,000 per accident and $100,000 each employee for injury by disease. In the event of bodily injury or property damage loss caused by Amazing Pubcycle's negligent acts or omissions in connection with Amazing Pubcycle's services or operations associated with this Agreement, Amazing Pubcycle's Liability insurance shall be primary with respect to any other insurance which may be available to the City, regardless of how the "Other Insurance" provisions may read. Amazing Pubcycle shall submit copies of all said policies and a certificate of insurance naming the City as an additional insured for the approval of the City's Risk Manager. Approval from the City's Risk Manager shall be obtained prior to beginning any operation in the City of Asheville.

   Amazing Pubcycle shall submit copies of said insurance policy and a certificate of insurance for approval to the City's Transportation Director prior to starting operations in the City of Asheville.

6. Indemnity: By commencing operation under this Franchise, Peech Development, Inc. d/b/a Amazing Pubcycle agrees to indemnify and hold

harmless the City against any liability for personal injury, property damage or other damage or injury arising from or in connection with any of its 's operations, including operation of the Pubcycle Service under this Franchise, and its insurance policy shall name the City as an additional insured to this effect.

7. Pubcycle/Trolley Bike Equipment/Condition of Vehicle: The pubcycle or trolley bike will be a pedal-assisted motorized vehicle that is licensed and plated by the NC Department of Transportation as a slow moving vehicle. The vehicle's approximate speed is 6-8 mph but has the ability to travel at speeds up to 25 mph. The vehicle is approximately 18' long and 6' wide, or about the size of a full-size pickup truck. It holds up to 15 passengers, plus a Conductor and possibly an additional watchman. Safety features of the vehicle are expected to include headlamps, tail lamps, stop lamps, turn signals, a Type AS-1 or AS-5 glazing windshield with wiper, reflex bumpers, parking brake, rearview mirrors, a horn, and seatbelts. Amazing Pubcycle is responsible for ensuring that all pubcycle/trolley equipment is maintained in a safe and operable condition in accordance with applicable laws. The City reserves the right to have the vehicle inspected by the City's taxi inspector, appointed pursuant to city Code Sec. 18-9, and to restrict operation of any vehicles that fail inspection.

8. Standards for Drivers/Conductors: The pubcycle/trolley bike will have a designated driver known as the Conductor and possibly another representative of the company known as the Watchman who will assist with tours and enforcement of rules. Amazing Pubcycle shall certify in writing to the City that each driver has a valid North Carolina driver's license, is medically fit to operate the pubcycle/trolley bike and has submitted a complete criminal background check. Amazing Pubcycle shall keep these records on file and will supply this information to the City upon request. Drivers with convictions for crimes of moral turpitude, driving while impaired, controlled substance offenses and sex offenders are prohibited from operating the pubcycle/trolley bike within the City limits.

9. Non-transferability/Amendment: This Franchise shall constitute a certificate of public convenience and necessity for the operation of the Pubcycle Service. This Franchise is not transferable, except to another entity owned by Amazing Pubcycle with written agreement from the City, and may not be amended except as provided in G.S. 160A-76 and G.S. 160A-304(b). This Franchise is not exclusive.

10. Revocation/Termination: The City may revoke this Franchise at any time for failure by Amazing Pubcycle to comply with any of the provisions hereof; provided, that Amazing Pubcycle shall receive 10 day's notice of said revocation during which time this franchise may only be suspended.

The City may revoke this Franchise for any reason upon 30 days notice to Amazing Pubcycle. Amazing Pubcycle shall be entitled to no compensation or payment as a result of the revocation of this franchise for any reason.

Amazing Pubcycle may cease operations under this Franchise upon 30 days notice to the City.

11. Notice: Any notices required or permitted pursuant to this franchise shall be first class mail or personal delivery to the parties as follows:

If to Peech Development, Inc. d/b/a/ Amazing Pubcycle:
Shawn Verbrugghe
88 Barnard Ave.
Asheville, NC 28804

If to City:
City Attorney
70 Court Plaza
Asheville, NC 28802

Compliance with the formalities of this section may be waived.

Peech Development Inc. d/b/a Amazing Pubcycle shall at all times maintain an office or business location in the City of Asheville, and shall pay all City privilege license fees, and other taxes and fees associated with operation. Amazing Pubcycle shall designate an individual to be its agent for service of process in accordance with North Carolina law, and shall keep the City advised of any changes in said agent or its address.

12. Franchise Fee: The fee for the operation of this Franchise shall be $1.00 per day for each day of the term of the Franchise, or $365 annually; payable in a lump sum on or before the effective date of this Franchise and thereafter, due and payable annually on or before July 1 for the term of the Franchise. The city reserves the right to adjust this fee upon sixty (60) days' notice to Amazing Pubcycle.

13. Temporary Suspension/Modification: This Franchise and any of the terms and conditions thereof, including those relating to route, stops, and scheduling are subject to temporary suspension or modification by the City as necessary for the City to exercise and maintain control over its streets and public ways. The reasons for such action may include (by way of example and not limitation), the following: (a) closing of streets for repairs; (b) closing of streets for parades and festivals; (c) change in direction of one way streets; (d) changes in parking configuration. Any such action shall be within the City's sole discretion without recourse by Amazing Pubcycle. The City will endeavor to provide advance notice of such action, but shall not be bound to do so. Suspension or modification expected to be of more than 30 days duration will require amendment to this Ordinance.

14. Compliance with Laws: Peech Development, Inc. d/b/a Amazing Pubcycle shall comply with all applicable federal, state, and local laws in the operation of its business including, but not limited to, the City of Asheville open container ordinance, and the State of North Carolina Alcoholic Beverage Control (ABC) laws (i.e. NCGS 18B-401; NCGS 20-4.01 (27); NCGS 20-138.7; NCGS 138.2C).It has been determined that because the

pubcycle/trolley bike will be licensed as a slow-moving vehicle, it does not, per se, conflict with the City's open container ordinance (Section 11-11). However, requirements of this ordinance must still be observed (i.e. passengers cannot leave the vehicle with an open container). Amazing Pubcycle shall also be responsible for obtaining all necessary licenses and permits including, but not limited to, ABC permits and licenses or permits from the NC Department of Transportation.

Section 2. All ordinances and clauses of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 26th day of August, 2014 on first reading and on the second and final reading the 9th day of September, 2014.

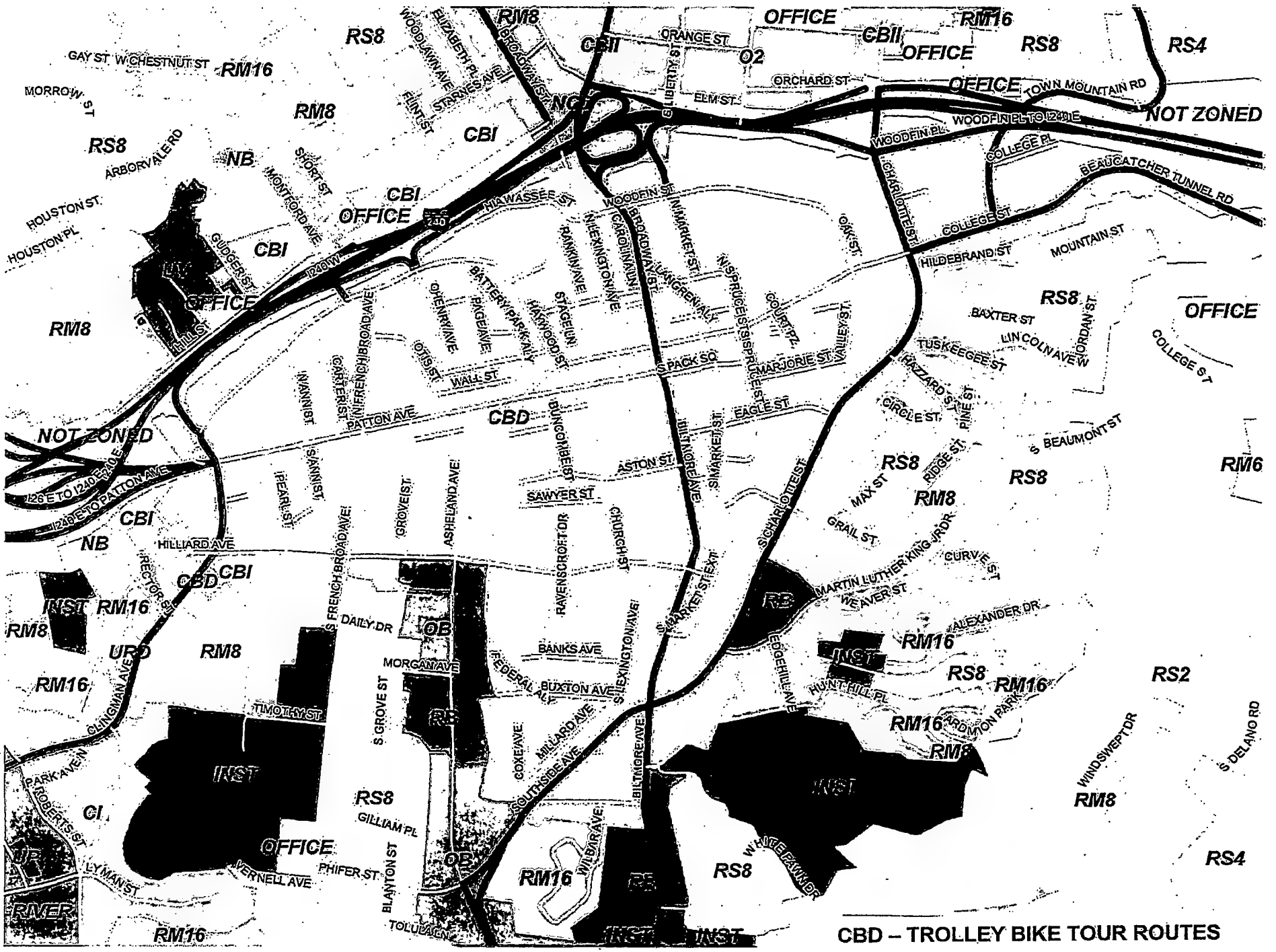
Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

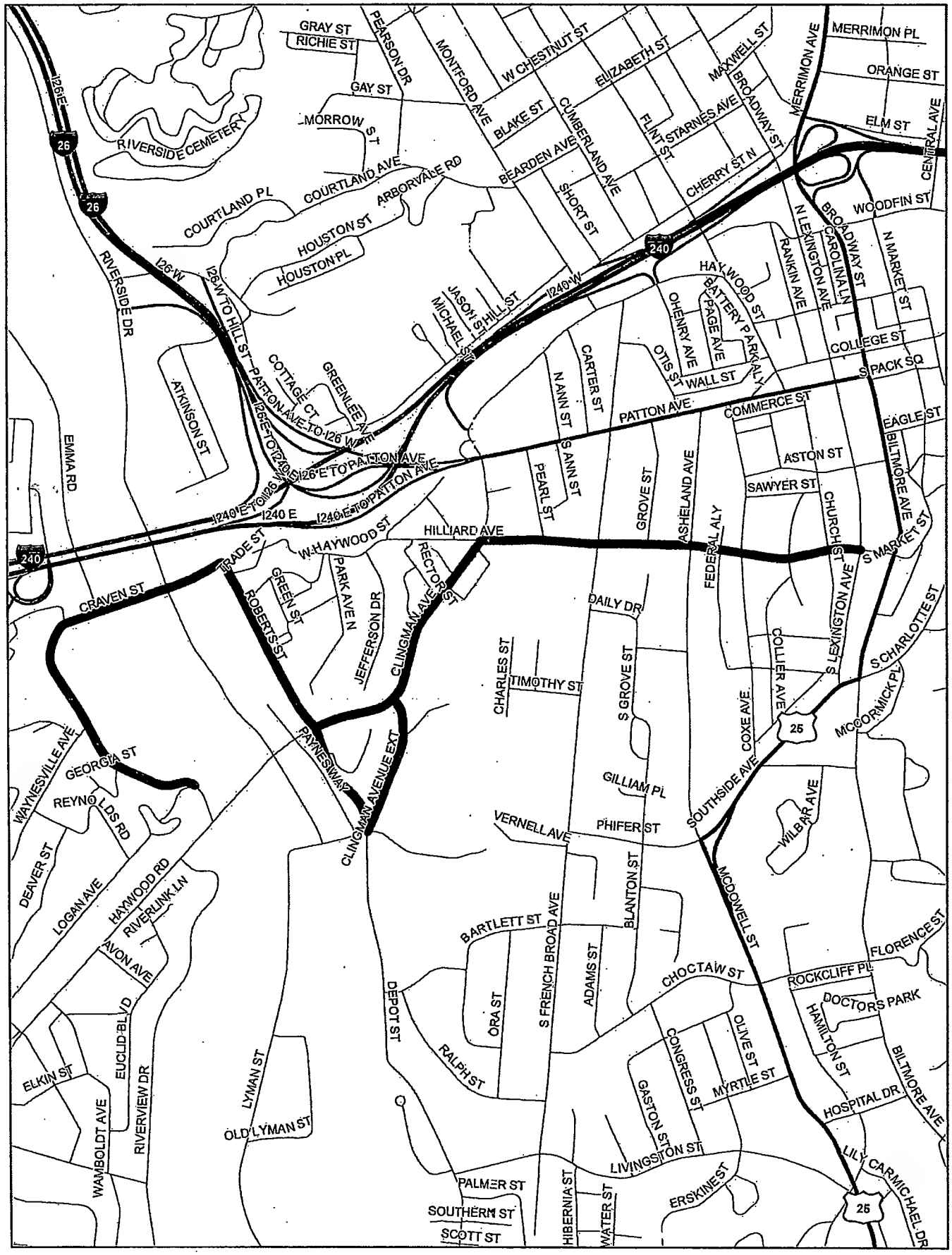
Magdalen Burleson
City Clerk



CBD – TROLLEY BIKE TOUR ROUTES

EXHIBIT A

EXHIBIT B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MAXWELL ST
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MERRIMON AVE
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GAY ST
MORROW ST
BLAKE ST
CUMBERLAND AVE
FLINT ST
STARNES AVE
BEARDEN AVE
SHORT ST
CHERRY ST N
WOODFIN ST
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I26 W
RIVERSIDE CEMETERY
COURTLAND PL
COURTLAND AVE
ARBORVALE RD
HOUSTON ST
HOUSTON PL
RIVERSIDE DR
I26 W TO HILL ST
JASON ST
MICHAEL ST
I240 W
HAYWOOD ST
BATTERY PARK ALY
PAGE AVE
RANKIN AVE
N LEXINGTON AVE
CAROLINA LN
N MARKET ST
OHENRY AVE
OTIS ST
WALL ST
COLLEGE ST
S PACK SQ
COTTAGE CT
GREENLEE AVE
ATKINSON ST
PATTON AVE TO I26 W
I26 E TO I240 E
I26 E TO PATTON AVE
CARTER ST
N ANN ST
PATTON AVE
COMMERCE ST
EAGLE ST
EMMA RD
I240 E TO I26 E
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I240 E TO PATTON AVE
PEARL ST
GROVE ST
ASHELAND AVE
ASTON ST
BILTMORE AVE
SAWYER ST
CHURCH ST
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HILLIARD AVE
W HAYWOOD ST
TRADE ST
FEDERAL ALY
CRAVEN ST
GREEN ST
PARK AVE N
RECTOR ST
ROBERTS ST
JEFFERSON DR
CLINGMAN AVE
DAILY DR
S LEXINGTON AVE
S CHARLOTTE ST
CHARLES ST
TIMOTHY ST
S GROVE ST
COLLIER AVE
COXE AVE
MCCORMICK PL
WAYNESVILLE AVE
GEORGIA ST
PAYNE'S WAY
CLINGMAN AVENUE EXT
GILLIAM PL
SOUTHSIDE AVE
WILBAR AVE
REYNOLDS RD
VERNELL AVE
PHIFER ST
DEAVER ST
LOGAN AVE
HAYWOOD RD
RIVERLINK LN
BARTLETT ST
BLANTON ST
MCDOWELL ST
FLORENCE ST
AVON AVE
S FRENCH BROAD AVE
ADAMS ST
CHOCTAW ST
ROCKCLIFF PL
DOCTORS PARK
HAMILTON ST
DEPOT ST
ORA ST
EUCLID BLVD
ELKIN ST
RALPH ST
CONGRESS ST
OLIVE ST
MYRTLE ST
BILTMORE AVE
HOSPITAL DR
LYMAN ST
RIVERVIEW DR
GASTON ST
OLD LYMAN ST
LIVINGSTON ST
LILY CARMICHAEL DR
WAMBOLDT AVE
PALMER ST
ERSKINE ST
HIBERNIA ST
WATER ST
SOUTHERN ST
SCOTT ST
25
26
240

ORDINANCE NO. 4331

ORDINANCE GRANTING FRANCHISE TO OPERATE A PEDAL BICYCLE TAXI SERVICE WITHIN THE CITY OF ASHEVILLE

WHEREAS, the City of Asheville (herein "City") has the authority pursuant to G.S. 160A-296 to control the use of streets and sidewalks within the city; and

WHEREAS, the City of Asheville has the authority pursuant to G.S. 160A-76 to grant franchises; and

WHEREAS, Asheville Bike Taxi, LLC, a North Carolina Limited Liability Company (herein "ABT"), proposes to operate a pedal bicycle taxi service on the streets of the City; and

WHEREAS, the City has determined that it is in the public interest to permit the operation of said service on the City's streets, subject to certain terms and conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Asheville Bike Taxi, LLC is hereby granted a franchise to operate a Pedal Bicycle Taxi Service (herein "Pedicab Service") on the streets of the City of Asheville subject to the following terms and conditions:

1. Route: The Pedicab Service is allowed only in the following areas: Central Business District, River Arts District, and Historic Montford District and along SR 3548 (Clingman Avenue) from Clingman Avenue Extension to Hilliard Avenue as shown on the map attached hereto as **Exhibit A**. In addition, the Pedicab Service is prohibited from operating on public streets where the speed limit is thirty-five (35) miles per hour or higher. The one exception is the section of SR 3548 (Clingman Avenue) that provides access to the River Arts District. This section of street has a bicycle climbing lane and the pedal bicycle taxis are required to use it. The operation of the Pedicab Service shall be designed so as to minimize traffic impacts upon the general circulation of vehicular and pedestrian traffic of the City. The Pedicab Service shall not load or unload passengers directly from Patton Avenue, College Street, Broadway or Biltmore Avenue unless there is an open parking space into which the pedicab can safely enter in order to prevent blocking the flow of traffic.

2. Stops: Pedicab Service stops may not exceed three minutes on any public right-of-way, except as necessary to embark and debark passengers, or with the written permission of the City Traffic Engineer. All service stops shall be made in a way to minimize any possible disruption to the flow of vehicular traffic.

3. Operating times/frequency: For all operations, the hours of operation shall be limited to between 9:00 a.m. to 3:00 a.m., Monday thru Friday, and between

7:00 a.m. and 3:00 a.m., Saturday and Sunday. City reserves the right to change these hours at its sole discretion, provided that ABT is given a 30 day notice of such change. The Pedicabs are prohibited from operating in any City approved festival or event area where the roadways are blocked including, but not limited to, the Bele Chere festival except with written permission from the event organizer.

4. Terms of Franchise/Renewal: The term of this Franchise shall be indefinite, subject to the Revocation/Termination provisions of Paragraph 10 of this Ordinance.

5. Insurance: ABT shall maintain Commercial General Liability insurance, including coverage for contractual liability, liability from independent contractors, property damage liability, bodily injury liability, and personal injury liability with limits of not less than $1,000,000 per occurrence, and $1,000,000 annual aggregate. The coverage shall be written on an occurrence basis. At all times during the term of this Franchise, ABT shall maintain statutory Workers' Compensation insurance in accordance with the laws of North Carolina. ABT shall also maintain Employers' Liability insurance with limits of not less than $500,000 per accident and $100,000 each employee for injury by disease. ABT shall submit copies of all said policies and a certificate of insurance, naming the City as an additional insured for the approval of the City's Risk Manager. Approval from the City's Risk Manager shall be obtained prior to beginning any operation in the City of Asheville.

   ABT shall submit copies of said insurance policy and a certificate of insurance for approval to the City's Risk Manager prior to starting operations in the City of Asheville.

6. Indemnity: By commencing operation under this Franchise, ABT agrees to indemnify and hold harmless the City against any liability for personal injury, property damage or other damage or injury arising from or in connection with any of ABT's operations, including operation of the pedicab service under this Franchise, and its insurance policy shall name the City as an additional insured to this effect.

7. Pedicab Equipment/Condition of Vehicles: ABT may determine whatever pedicab model(s) it sees fit to use, provided that all pedicabs shall be of single frame construction, have operable brakes on the front and back wheels, have seat belts for passengers, and be designated as a slow moving vehicle with reflective sign on the back. ABT may also install an electric assist motor for each pedicab which can be no greater than 750 watts and not greater than one horse power. ABT is responsible for ensuring that all pedicab equipment is maintained in a safe and operable condition in accordance with applicable laws. The City reserves the right to have the pedicabs inspected by the City's taxi inspector, appointed pursuant to city Code Sec. 18-9, and to restrict operation of any pedicabs that fail inspection.

8. Standards for Drivers/Conductors: ABT shall certify in writing to the City that each driver has a valid North Carolina driver's license, is medically fit to operate the pedicab and has submitted a complete criminal background check. ABT shall keep these records on file and will supply this information to the City upon request. Drivers with convictions for crimes of moral turpitude, driving while impaired, controlled substance offenses and sex offenders are prohibited from operating a pedicab with tin the City limits.

9. Non-transferability/Amendment: This Franchise shall constitute a certificate of public convenience and necessity for the operation of the Pedicab Service. This Franchise is not transferable, except to another entity owned by ABT with written agreement from the City, and may not be amended except as provided in G.S. 160A-76 and G.S. 160A-304(b). This Franchise is not exclusive.

10. Revocation/Termination: The City may revoke this Franchise at any time for failure by ABT to comply with any of the provisions hereof; provided, that ABT shall receive 10 days' notice of said revocation during which time this franchise may only be suspended.

The City may revoke this Franchise for any reason upon 30 days' notice to ABT. ABT shall be entitled to no compensation or payment as a result of the revocation of this franchise for any reason.

ABT may cease operations under this Franchise upon 30 days' notice to the City.

11. Notice: Any notices required or permitted pursuant to this franchise shall be first class mail or personal delivery to the parties as follows:

If to Asheville Bike Taxi, LLC:	If to City:
Jessica Lehmann 278 Hillside St., Apt. 2 Asheville, NC 28801	City Attorney 70 Court Plaza Asheville, NC 28801

Compliance with the formalities of this section may be waived.

ABT shall at all times maintain an office or business location in the City of Asheville, and shall pay all City privilege license fees, and other taxes and fees associated with operation. ABT shall designate an individual to be its agent for service of process in accordance with North Carolina law, and shall keep the City advised of any changes in said agent or its address.

12. Franchise Fee: The fee for the operation of this Franchise shall be $1.00 per day for each day of the term of the Franchise, or $365 annually; payable in a lump sum on or before the effective date of this Franchise and thereafter, due and payable annually on or before July 1 for the term of the Franchise. The city reserves the right to adjust this fee upon sixty (60) days' notice to Asheville Bike Taxi, LLC.

13. Fares: The fees charged by ABT for pedicab service shall be prominently displayed on the outside of the pedicab vehicle.

14. Temporary Suspension/Modification: This Franchise and any of the terms and conditions thereof, including those relating to route, stops, and scheduling are subject to temporary suspension or modification by the City as necessary for the City to exercise and maintain control over its streets and public ways. The reasons for such action may include (by way of example and not limitation), the following: (a) closing of streets for repairs; (b) closing of streets for parades and festivals; (c) change in direction of one way streets; (d) changes in parking configuration. Any such action shall be within the City's sole discretion without recourse by ABT. The City will endeavor to provide advance notice of such action, but shall not be bound to do so. Suspension or modification expected to be of more than 30 days duration will require amendment to this Ordinance.

15. Compliance with Laws: ABT shall comply with all applicable federal, state, and local laws in the operation of its business.

Section 2. All ordinances and clauses of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted on first reading this 26th day of August, 2014 and on second and final reading on the 9th day of September, 2014.

Magdalen Bullerson
City Clerk

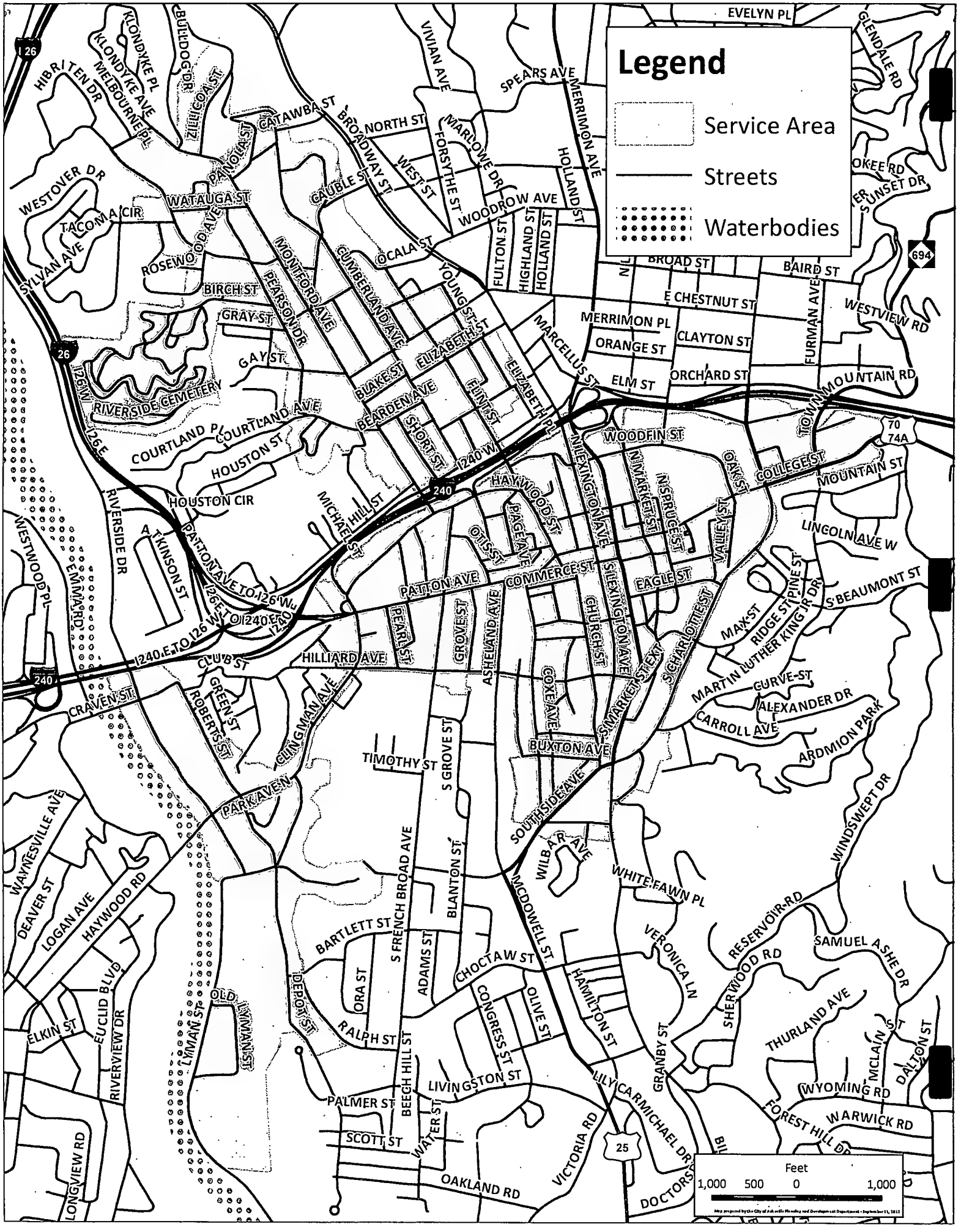
Mayor

Approved as to form:

City Attorney

Magdalen Bullerson
City Clerk

Pedicab Service - Exhibit A Map



ORDINANCE NO. 4332

ORDINANCE GRANTING A FRANCHISE TO OPERATE A TROLLEY WITHIN THE CITY OF ASHEVILLE

WHEREAS, the City of Asheville (herein "City) has the authority pursuant to G.S. 160A-296 to control the use of streets and sidewalks within the City; and

WHEREAS, the City has the authority pursuant to G.S. 160A-76 to grant franchises; and

WHEREAS, Asheville Trolley Company, L.L.C. d/b/a Gray Line Trolley Tours of Asheville (herein "ATC"), proposes to operate a trolley service on the streets of the City; and

WHEREAS, the City has determined that it is in the public interest to permit the operation of said trolley service on the City's streets, subject to certain terms and conditions;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. ATC be and is hereby granted a franchise to operate a trolley tour service (herein "Trolley Service") on the streets of the City of Asheville subject to the following terms and conditions:

1. Route: The routes of all Trolley Service narrated tours shall be designed so as to minimize traffic impacts upon the general circulation of vehicular and pedestrian traffic of the City, and shall be approved by the City Traffic Engineer. Such approval may be amended at any time to include additional tour routes or stops. ATC shall tender to the City Traffic engineer a map of its proposed repetitive daily routes, along with information concerning any proposed stops upon public right-of-way. This shall not be construed to limit ATC's ability to engage in charter or special operations, subject to applicable law.

2. Stops: The precise location of all narrated trolley tour stops on Public right-of-ways must be approved and authorized by the City Traffic Engineer, and may be designated by a sign meeting the requirements of applicable laws and ordinances. Trolley stops shall be so located and signs shall be so designed as to minimize the possibility of confusion with the bus stops of the Asheville Transit System (herein "ATS"). Signs must conform to the City's sign ordinances.

Trolley stops may not exceed three minutes on any public right-of-way, except as necessary to embark and debark passengers, or with the permission of the City Traffic Engineer.

Except as set forth above, the Trolley may not stop at any other points on the City's streets or roads for the purpose of embarking or debarking passengers.

3. Operating times/frequency: For all narrated tour operations, the hours of operation shall be limited to between 7:00 A.M. and 8:00 P.M., Sunday through Thursday, and between 7:00 A.M. and 12:00 midnight Friday and Saturday. For City-recognized holidays and days on which City-approved festivals occur in the Central Business District, the operating hours may be extended to 12:00 midnight, regardless of the day of the week.

ATC may operate up to three trolley vehicles pursuant to this Franchise.

4. Term of Franchise/Renewal: The term of this Franchise shall be indefinite, subject to the Revocation/Termination provisions of Paragraph 10 of this Ordinance.

5. Insurance/Indemnity: ATC shall at all times during the term of this Franchise carry general liability insurance sufficient in form and amount to cover the operation of the trolley service, with limits of not less than $1,000,000 combined single limit, and Auto Liability of at least $1,000,000, as well as Workers' Compensation Insurance in an amount acceptable to the City's Risk Manager. ATC shall submit copies of all said policies for the approval of the City's Risk Manager. Approval from the City's Risk Manager shall be obtained prior to beginning any operation in the City of Asheville.

6. By commencing operation under this Franchise, ATC agrees to indemnify and hold harmless the City and ATS against any liability for personal injury, property damage or other damage or injury arising from or in connection with any of ATC's operations, including operation of the trolley service under this Franchise, and its insurance policy shall name the City and ATA as a co-insured to this effect.

7. Trolley Equipment/Condition of vehicles:

(a) Safety standards: Each trolley vehicle shall be equipped with all operating and safety equipment required by law for buses and other common carriers, and shall be inspected as to compliance with said standards as required by law. Proof of said inspection shall be maintained in the vehicle at all times.

(b) Other standards: Each trolley vehicle shall in addition meet the following requirements:

(1) Have doors leading into the passenger's compartment and into the driver's compartment which are so constructed that they may be opened from the inside and the outside.

(2) Have all windows, vents, and doors in proper working condition.

(3) Be equipped with a heater sufficient to heat the interior of the vehicle adequately in cold weather.

(4) Have all windshields and side and rear glass free from discoloration, without hazardous cracks, and clear of dirt or obstruction to clear view.

(c) Each trolley vehicle shall be clearly identified, but may not resemble the buses or other vehicles used by ATS or by the Mountain Mobility operation or its successors, if any.

(d) Inspections and compliance with the standards imposed pursuant to subsections (a), (b) and (c) shall be coordinated by the City's taxi inspector, appointed pursuant to City Code Sec. 18-9. No vehicle which fails to meet the standards imposed by this section may be operated as a trolley vehicle pursuant to this Franchise.

8. Standards for Drivers/Conductors: All drivers or operators of trolley vehicles shall meet the minimum requirements for common carriers imposed by State law.

9. Non-transferability/amendment: This Franchise shall constitute a certificate of public convenience and necessity for the operation of the Trolley Service. This Franchise is not transferable, except to another entity owned by ATC with written agreement from the City, and may not be amended except as provided in G.S. 160A-76. This Franchise is not exclusive.

10. Revocation/Termination: The City may revoke this Franchise at any time for failure by ATC to comply with any of the provisions hereof; provided, that ATC shall receive 10 days notice of said revocation during which time this franchise may only be suspended.

The City may revoke this Franchise without cause upon 30 days notice to ATC.

ATC shall be entitled to no compensation or payment as a result of the revocation of this franchise with or without cause.

ATC may cease operations under this Franchise upon 30 days notice to the City.

11. Notice: Any notices required or permitted pursuant to this franchise shall be first class mail or personal delivery to the parties as follows:

If to Asheville Trolley Company, L.L.C.:
c/o W. Howard Helmken
P.O. Box 2115
Asheville, NC 28802

If to City:
City Attorney
City of Asheville
PO Box 7148
Asheville, NC 28802

Compliance with the formalities of this section may be waived.

ATC shall at all times maintain an office or business location in the City of Asheville, and shall pay all privilege license fees and other taxes and fees associated with operation. ATC shall designate an individual to be its agent for service of process in accordance with North Carolina law, and shall keep the City advised of any changes in said agent or its address.

12. Franchise fee: The fee for the operation of this Franchise shall be $1.00 per day for each day of the term of the Franchise, or $365 annually; payable in a lump sum on or before the effective date of this Franchise and thereafter, due and payable annually on or before July 1 for the term of the Franchise. The city reserves the right to adjust this fee upon sixty (60) days' notice to Asheville Trolley Company, LLC.

13. Fares: The fares charged by ATC for trolley service prominently displayed on the interior of each trolley vehicle and or any signs erected in accordance with paragraph 2.

14. Temporary Suspension; Modification: This Franchise and any of the terms and conditions thereof, including those relating to route, stops, and scheduling, are subject to temporary suspension or modification by the City as necessary for the City to exercise and maintain control over its streets and public ways. The reasons for such action may include (by way of example and not limitation) the following (a) closing of streets for repairs; (b) closing of streets for parades and festivals; (c) change in direction of one way streets; (d) changes in parking

configuration. Any such action shall be within the City's sole discretion without recourse by ATC. The City will endeavor to provide advance notice of such action, but shall not be bound to do so. Suspension or modification expected to be of more than 30 days duration will require amendment to this Ordinance.

15. Other Operation: Nothing herein shall prevent or prohibit ATC from using its vehicles for purposes of non-narrated charter or other movements of people to a particular destination or destinations. By way of example and not limitation, such activity may include trips or non-narrated tours originating from the Grove Park Inn, solely for the benefit of hotel guests under a single charter.

Section 2. All ordinances and clauses of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 3. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. This ordinance shall become effective on the date of adoption.

Read approved, and adopted on first reading this the 26th day of August, 2014 and on the second and final reading on the 9th day of September, 2014.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

ORDINANCE NO. 4333

ORDINANCE AMENDING CHAPTER 16, ARTICLE II (PUBLIC RIGHT OF WAY CUTS), OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

WHEREAS, the City Council of the City of Asheville has authority pursuant to G.S. 160A-296 and 160A-174 to exercise general control over the streets, sidewalks and public ways within the City, to define, prohibit, regulate or abate acts, omissions or conditions detrimental to the health safety or welfare; and

WHEREAS, the City Council of the City of Asheville is authorized by N.C.G.S. 160A-175 to impose fines and penalties for violation of its Ordinances; and

WHEREAS, the City Council of the City of Asheville has determined that it is in the public interest to revise the section of the City Code regulating right of way cuts in City streets and sidewalks;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Article II, Section 16-37 (g) of Chapter 16 of the Code of Ordinances of the City of Asheville is repealed in its entirety and the following substituted in lieu thereof:

Section 16-37
(g) The penalty for any person/permittee who exceeds the time limit set forth in the cut permit or who fails to timely obtain a cut permit following an emergency repair or who cuts into a public right of way without a cut permit shall be as shown in Schedule B (Schedule of Civil Penalties) of this Code.

Section 2: That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 4: Violation of this ordinance shall subject the offender to the penalties set forth in Schedule B of the Code of Ordinances for the City of Asheville.

Section 5: That this Ordinance shall be in full force and effect upon adoption.

Read, approved and adopted this 26th day of August, 2014.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

City Attorney

Magdalen Burleson
City Clerk

148

ORDINANCE NO. 4334

ORDINANCE AMENDING APPENDIX B (SCHEDULE OF CIVIL PENALTIES) OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Appendix B of the Code of Ordinances of the City of Asheville be amended by adding Section K to read as follows:

K. Penalties for Cutting into City Streets/Sidewalks without a permit

Failure to Obtain a Street Cut Permit:	$250.00 and $100 daily thereafter
Exceeding Time of Street Cut Permit:	$100 per day
Maximum Penalty:	$5,000 per permit

Section 2: That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 4: That this Ordinance shall be in full force and effect upon adoption.

Read, approved and adopted this 26th day of August, 2014.

Magdalen Bullock
City Clerk

Mayor

City Attorney

Magdalen Bullock
City Clerk

ORDINANCE NO. 4335

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 26th day of August, 2014.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Insurance Recovery Funds

Magdalen Bulleson
City Clerk

150

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2014-15

3. Amendment to Operating ____ and/or Capital Project _x___ appropriation.

Finance	8/26/2014	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: to budget insurance recovery funds to purchase police car

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
General Capital Projects Fund				
Revenue:				
Transfer from Prop/Liab. Fund				
41090122 498813 G1501	$0.00	$0.00	$21,447.94	$21,447.94
Expenditures:				
Mach & Equipment				
41000122 614101 G1501	$0.00	$0.00	$21,447.94	$21,447.94
Property/Liability Fund				
Expenditures:				
Claims				
81300038 525002	$700,000.00	$681,220.64	$678,552.06	($21,447.94)
Transfer to Gen Cap Proj Fund				
81390038 800410	$0.00	$0.00	$21,447.94	$21,447.94
		13. Balance of Transaction:		$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

ORDINANCE NO. 4336

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 26th day of August 2014.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Acquire five shelters under the stimulus funding grant.

Magdalen Bullock
City Clerk

152

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2014-15

3. Amendment to Operating ____ and/or Capital Project _x___ appropriation.

4. Requesting Department	5. Today's Date	6. Department Head Signature
Transportation	8/26/2014	

7. Comments/Purpose: to budget additional ARRA funds

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Federal Revenue				
22000210-435500-T1523	$0.00	$0.00	$60,662.00	$60,662.00
Expenditures:				
Transit pass through grant				
22000210-527102-T1523	$0.00	$0.00	$24,760.00	$24,760.00
Materials				
22000210-524101-T1523	$0.00	$0.00	$35,902.00	$35,902.00
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:
16. Ordinance Number:
17. Date Received in Budget & Research:
18. Date Sent to City Clerk:

19. Date Posted:
By:
Sheet #:

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4337

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE REGARDING THE STORMWATER UTILITY

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Section 7-12-6 (d)(2) of the City of Asheville Unified Development Ordinance be and is hereby deleted in its entirety and a new Section 7-12-6 (d) (2) is substituted in lieu thereof as follows:

Section 7-12-6 (d)

(2) *Tiering for detached single-family residential*: Single-family residential parcels will be charged a fee at the Tier 1, Tier II and Tier III levels as set forth in the City of Asheville Fees and Charges Manual, based upon square footage of impervious area as more specifically set forth below:

Tier	Impervious Area (Square Footage)
I	225 – 2000
II	2001 – 4000
III	4001+

Section 2. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4. This ordinance will become effective upon adoption.

Read, approved, and adopted this 26th day of August, 2014.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

154

ORDINANCE NO. 4338

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 9th day of September 2014.

Magdalen Bradley
CITY CLERK

Esther A. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

PURPOSE: This Budget Amendment increases the Horizon Hills Water Line Improvement Capital Project Budget to $2,046,530.

Magdalen Bradley
City Clerk

City of Asheville
Budget Amendment

1. Effective Date: 9/9/2014
2. Fiscal Year: 2014-15

3. Amendment to Operating __ and/or Capital Project _X_ appropriation.

4. Requesting Department	5. Today's Date	6. Department Head Signature
Water Resources	9/9/2014	

7. Comments/Purpose: Increase the construction budget for the Horizon Hills WL Project for contract with Thomas Construction Company per bids dated 8/26/14.

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Horizon Hill WL Replacement				
Opr Tr Water				
61190911 - 498601 - W1211	$0.00	$0.00	$1,873,762.00	$1,873,762
Construction				
61100911 - 616102 - W1211	$172,768.00	$172,768.00	$2,046,530.00	$1,873,762
Water Fund Balance				
Apr Fd Bal				
61000911 - 499100	$0.00	$0.00	-$1,873,762.00	($1,873,762)
Tr Wtr Cap				
61090911 - 800611	$10,084,000.00	$10,084,000.00	$11,957,762.00	$1,873,762
			13. Balance of Transaction:	$3,747,524.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

156

ORDINANCE NO. 4339

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 9th day of September, 2014.

Magdalen Bullion
City Clerk

E Ann Q. Mu
Mayor

Approved as to form:

City Attorney

PURPOSE: Sunset Drive Retaining Wall

Magdalen Bullion
City Clerk

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2014-2015

3. Amendment to Operating ____ and/or Capital Project _x___ appropriation.

Finance	8/29/2014	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: To budget additional funding for the retaining wall on Sunset Dr.

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Park Maintenance Relocation				
Revenue:				
Restricted Intergov Fed Grant				
41003002 435000 K1422	$421,745.21		$778,797.44	$357,052.23
Restricted Intergov State Grant				
41003002 436000 K1422	$140,581.74		$259,599.15	$119,017.41
Expenditures:				
Contracted Services				
41003002 521001 K1422	$0.00		$37,812.00	$37,812.00
Right of Ways				
41000231 528101 K1422	$0.00		$20,026.00	$20,026.00
Infrastructure				
41000231 615101 K1422	$540,581.95		$958,813.58	$418,231.63
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

158

ORDINANCE NO. 4340

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 9th day of September, 2014.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Budget amendment to increase the budget in the amount of $53,795 from donations for projects within the Parks and Recreation Department.

Magdalen Bowleson
City Clerk

City of Asheville
Budget Amendment Details

1. Effective Date: 9/9/2014
2. Fiscal Year: 2014-15

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

PRCA | Page 1 of 2 | 6. Preparer's Name

4. Requesting Department | 5. Today's Date

7. Comments/Purpose: Parks and Recreation Department Donations

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Private Donations			$0	
R7000803:483300:R0943	$0	$2,200	$2,200	$2,200
Private Donations			$0	
R7008301:483300:R0943	$0	$1,000	$1,000	$1,000
Private Donations			$0	
R7008302:483300:R0943	$2,500	$12,883	$12,883	$10,383
Private Donations			$0	
R7008303:483300:R0943	$0	$3,437	$3,437	$3,437
Private Donations			$0	
R7008304:483300:R0943	$0	$3,500	$3,500	$3,500
Private Donations			$0	
R7008306:483300:R0943	$0	$2,892	$2,892	$2,892
Private Donations			$0	
R7008307:483300:R0943	$2,494	12,187	$12,187	$9,693
Private Donations			$0	
R7008308:483300:R0943	$81	$3,383	$3,383	$3,302
Private Donations			$0	
R7008309:483300:R0943	$0	$206	$206	$206
Private Donations			$0	
R7008310:483300:R0943	$500	$2,126	$2,126	$1,626
Private Donations			$0	
R7008311:483300:R0943	$459	$4,174	$4,174	$3,715
Private Donations			$0	
R7008312:483300:R0943	$1,210	$1,252	$1,252	$42
Private Donations			$0	
R7008316:483300:R0943	$0	$3,015	$3,015	$3,015
Private Donations			$0	
R7008317:483300:R0943	$4,048	$8,442	$8,442	$4,394
Private Donations			$0	
R7008322:483300:R0943	$2,975	$5,636	$5,636	$2,661
Private Donations			$0	
R7008405:483300:R0943	$0	$1,729	$1,729	$1,729
Expenditures:			$0	
Transfer to General Fund			$0	
22090800:800110:R0943	$14,267	14,267.00	$68,062	53,795.00

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:
By:
Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

160

City of Asheville

Budget Amendment Details

1. Effective Date: 9/9/2014

2. Fiscal Year: 2014-15

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

PRCA

4. Requesting Department | 5. Today's Date | 6. Preparer's Name

7. Comments/Purpose: Parks and Recreation Department Donations

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Oper Trf from Grt Fund			$0	
11090803:498200	$0	$0	$2,200	$2,200
			$0	
Expenditures:			$0	
Materials			$0	
11000803:524101	$48,760	$48,760	$50,960	$2,200
			$0	
			$0	
Revenue:			$0	
Oper Trf from Grt Fund			$0	
11098300:498200	$0	$0	$42,929	$42,929
			$0	
Expenditures:			$0	
Materials			$0	
11008300:524101	$28,000	$27,594	$70,929	$42,929
			$0	
			$0	
Revenue:			$0	
Oper Trf from Grt Fund			$0	
11090807:498200	$0	$0	$8,666	$8,666
			$0	
Expenditures:			$0	
Supplies			$0	
11008300:524101	$21,000	$21,000	$29,666	$8,666
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

ORDINANCE NO. 4341

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 9th day of September, 2014.

Magdalen Burleson
City Clerk

Edwin E. Clark
Mayor

Approved as to form:

City Attorney

PURPOSE: Budget amendment to increase the project budget by $72,400 for capital improvements at the WNC Nature Center with an allocation received from the North Carolina Department of Commerce.

Magdalen Burleson
City Clerk

City of Asheville

Budget Amendment Details

1. Effective Date: 9/9/2014

2. Fiscal Year: 2014-15

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

PRCA

4. Requesting Department | 5. Today's Date | 6. Preparer's Name

7. Comments/Purpose: Budget Amendment: N.C. Dept. of Commerce Allocation for WNC Nature Center

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Restrictd Intergv State Grants			$0	
41008401:436000:R1411	$76,058	$1,085	$148,458	$72,400
			$0	
Expenditures:			$0	
Contracted Services			$0	
41008401:521001:R1411	$104,227	$60,504	$176,627	$72,400
			$0	
			$0	
			$0

ORDINANCE NO. 4342

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE CONCERNING ADOPTION OF THE HAYWOOD ROAD FORM CODE AND ZONING MAP

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Comprehensive Plan supports denser, sustainable infill development and redevelopment efforts to include job growth, housing, recreation and multi-modal transportation for a high quality of life; and

WHEREAS, the Haywood Road Form Code is a redevelopment tool to foster options for redevelopment of mixed-use projects, supports transit and other multi-modal transportation and encourages higher density residential development on an important corridor in the city; and

WHEREAS, the plan was developed with the ideas and input of property owners and residents in the Haywood Road area which is also supported by the Comprehensive Plan; and

WHEREAS, the Planning and Zoning Commission unanimously recommended approval for adoption of the Haywood Road Form Code and Zoning Map at a public hearing held on August 21, 2014; and

WHEREAS, this proposed change to the ordinance is determined to be reasonable and in the public interest as follows:

a. Facilitates the redevelopment of an important city corridor
b. Will enhance the community character with pedestrian oriented development
c. Encourages denser sustainable infill development

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Chapter 7, of the Asheville Code of Ordinances be amended by:

a. Sec. 7-2-1. Official zoning maps; identification - Amend the official zoning map to reflect the Haywood Road Form District map designations

b. Sec. 7-2-5. Definitions – Add in alphabetical order:

Art gallery means a facility that contains a room or series of rooms where works of art are exhibited on a regular basis.

Attic means habitable or uninhabitable space within a building situated within the structure of a pitched roof and above the uppermost regular story.

Building façade means the face of a building that delineates the edge of conditioned floor space.

Dwelling, upper story means multifamily dwelling(s) in an upper story

Ground floor means the floor of a building that is at or nearest to the level of the ground around the building. It does not include the floor of a basement.

Sign, cabinet means a sign that is mounted on the face of a building or on the ground that is typically rectangular in shape and provides for internal illumination and changing the message of the sign by replacing a single transparent or translucent panel.

Two-story requirement means that for new construction, a second floor is provided as a full occupiable floor and a mezzanine level will not be sufficient to meet the requirement. Civic uses such as places of worship, arenas, auditoriums, theaters and performance centers will not be required to meet a two-story requirement.

Upper story means any story above the ground story or floor.

c. Sec. 7-8-1(b)(1) After listing for Neighborhood Corridor District,

add "Haywood Road Form District".

d. Sec. 7-8-18(g) Development standards – Other Central Business District areas-

Remove text in its entirety.

e. Sec. 7-8 Create a new section "7-8-28 Haywood Road Form District" and add text from the Haywood Road Form District amendment in total (pdf document format).

Section 2. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. This ordinance is effective upon adoption.

Read, approved, and adopted this 9th day of September, 2014.

Magdalen Bullock
City Clerk

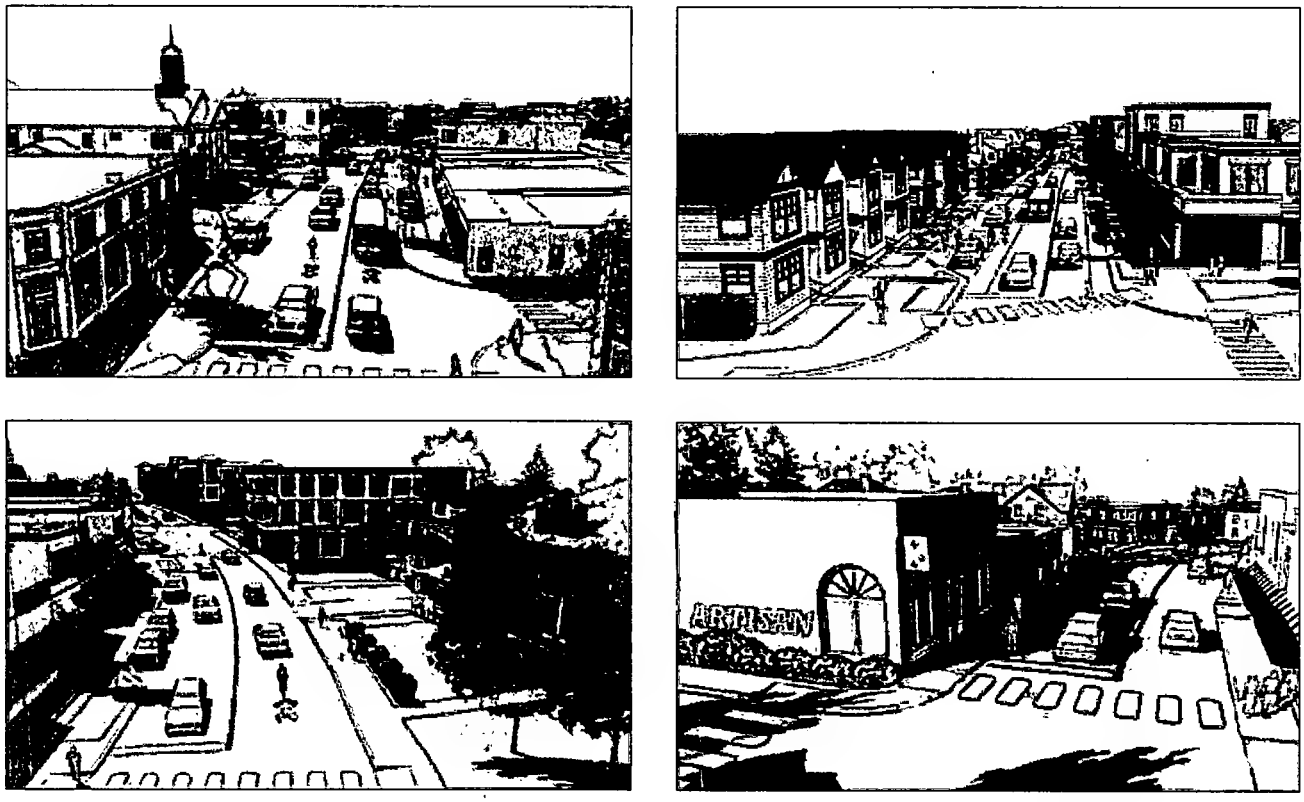
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

Haywood Road Form District



City of Asheville, North Carolina

September 9, 2014

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1.1. Purpose

The purpose of the Haywood Road Form District is to implement the Haywood Road Corridor Charrette Report and the Haywood Road Vision Plan.

1.2. Intent

It is the intent of this Haywood Road Form District to:

1. Where feasible, preserve and enhance existing buildings and structures along the Corridor.
2. Ensure a high quality of development for new construction;
3. Reduce the bulk and mass of buildings;
4. Ensure adequate distribution of height and mass throughout the Corridor, with larger buildings located closer to Patton Avenue;
5. Allow for a mix of uses at a variety of scales;
6. Promote additional housing types and housing opportunities;
7. Make the Corridor more walkable and pedestrian-friendly;
8. Implement the complete streets model by enhancing multi-modal transportation options, including transit, bicycle and pedestrian connections;
9. Calm traffic and improve vehicular circulation;
10. Support existing businesses; and
11. Ensure adequate transitions from the Corridor to adjacent residential neighborhoods.

1.3. Applicability

A. Territorial Application

The Haywood Road Form District applies to all property located within the Haywood Road Corridor, as shown in Sec. 2.1.

B. Application of Chapter 7, Development

1. The following requirements of Chapter 7 do not apply in the Haywood Road Form District, unless expressly stated otherwise:
   a. § 7-10-2. Required setbacks; allowable encroachments into required setbacks.
   b. § 7-11-4. Open space standards.
   c. § 7-11-6. Traffic impact analysis.
   d. 7-8-1d. Table of Uses
   e. 7-11-2c. Off-street parking requirements
   f. 7-13-4b and c. On-premise signs and single and multi-tenant signs.
2. The use of buildings and land within the Haywood Road Form District is subject to all other regulations as well as the Haywood Road Form District, whether or not such other provisions are specifically referenced in the Haywood Road Form District. References to other regulations or provisions of the Haywood Road Form District are for the convenience of the reader. The lack of a cross-reference does not exempt a land, building, structure or use from other regulations.

C. Conflicting Provisions

1. Interpretation of conflicts between the Haywood Road Form District and any other City ordinance or regulation (including Chapter 7) are controlled by the Haywood Road Form District.
2. The graphics, illustrations and photographs used to visually explain certain provisions of Haywood Road Form District are for illustrative purposes only. Where there is a conflict between a graphic, illustration or photograph and the text, the text controls.

1.4. Transitional Provisions

A. New Development

1. Except as provided in Sec. 1.4.C below, upon the effective date of the Haywood Road Form District or any subsequent amendment, any new building, additions or other structure or any use of land must be constructed or developed only in accordance with all applicable provisions of the Haywood Road Form District.

2. No excavation or filling of land or construction of any public or private improvements may take place or commence except in conformity with the Haywood Road Form District.

B. Existing Development

Any existing use, lot, building or other structure legally established prior to the effective date of the Haywood Road Form District that does not comply with any provision of these specific regulations is a legal non-conformity pursuant to Article 18.

C. Previously Issued Permits and Pending Applications

Previously issued permits and pending applications will be processed in accordance with and decided pursuant to the law existing on the date the application was filed.

The following Haywood Road sub-districts are established and are part the Official Zoning Map.

1. HR-1: Core
2. HR-2: Expansion
3. HR-3: Corridor
4. HR-4: Traditional
5. HR-5: Live-Work
6. HR-6: Town

The following general rules apply to all Haywood Road sub-districts unless expressly stated otherwise.

A. Lot

1. Defined

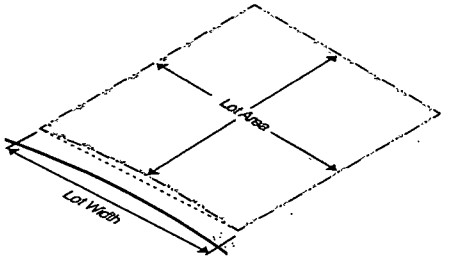
   A parcel of land either vacant or occupied intended as a unit for the purpose, whether immediate or for the future, of transfer of ownership, or possession, or for development.

2. Lot Area

   Lot area is the area included within the rear, side and front lot lines. Lot area does not include existing or proposed right-of-way, whether dedicated or not dedicated to public use.

3. Lot Width

   Lot width is the distance between the two side lot lines measured at the primary street property line along a straight line or along the chord of the property line on a curvilinear lot.



B. Building Coverage

1. The maximum area of the lot that is permitted to be covered by buildings, including both principal structures, structured parking and roofed accessory structures, including gazebos.

2. Building coverage does not include paved areas such as driveways, uncovered porches or patios, decks, swimming pools, porte cochere, or roof overhangs of two feet or less. Surface parking is not considered part of building coverage.

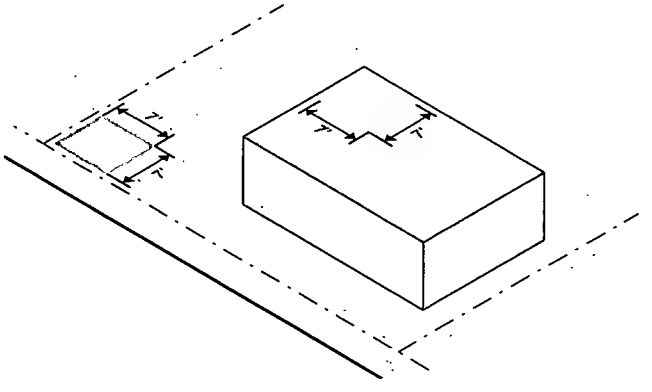
C. Outdoor Amenity Space

1. General

   Where required, outdoor amenity space must be provided on the lot and must be available as unenclosed exterior space appropriately improved for pedestrian amenity, rooftop space, or for aesthetic appeal and cannot include areas used for vehicles, except for incidental service, maintenance or emergency actions only. Outdoor amenity space may be public or private.

2. Standards

   a. Outdoor amenity space may be met in one contiguous open area or in multiple open areas on the lot; however, to receive credit, the area must be at least 7 feet in width and length, and at least 60% of the required amenity space must be located in one contiguous open area.



   b. Outdoor amenity space may be located at or above grade, except in HR-3: Corridor, where at least 50% of the required outdoor amenity space must be located at grade.

   c. Outdoor amenity space may be roofed but cannot be permanently enclosed.

   d. Outdoor amenity space cannot be parked or driven upon, except for

emergency access and permitted temporary events.

e. In calculating the minimum outdoor amenity space requirement, the following listed facilities, and any similar facilities, may be included:

i. Ground-level facilities such as a swimming pool, playground, sport court, dog park, garden, community garden, park, green, pavilion, courtyard, seating area, outdoor dining area or plaza; and

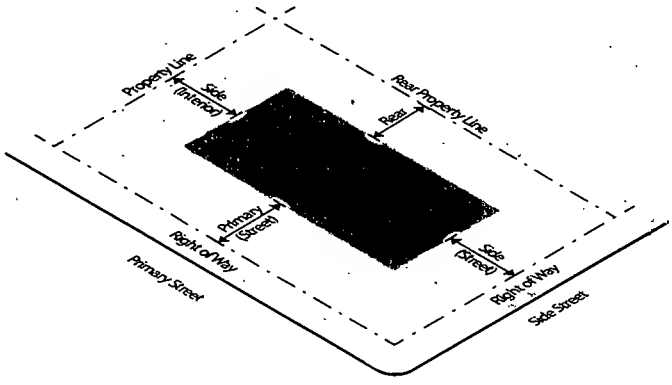
ii. Upper-level facilities such as a shared or common balcony, rooftop deck or rooftop garden.

f. A required property line buffer is not considered outdoor amenity space.

D. Building Setbacks

1. Generally

There are 4 types of setbacks – primary street, side street, side interior and rear. Building setbacks apply to both principal and accessory buildings and structures except where explicitly stated otherwise.



2. Measurement of Building Setbacks

a. The primary street setback is measured at a right angle from the primary street right-of-way line.

b. On corner lots, the side street setback is measured at a right angle from the side street right-of-way line.

c. The rear setback is measured at a right angle from the rear property line or the rear right-of-way or easement line where there is an alley. The rear property line is the property line opposite to the primary street property line.

d. All lot lines which are not primary street, side street or rear lot lines are considered side interior lot lines for the purpose of measuring setbacks. Side interior setbacks are measured at a right angle from the side property line.

3. Primary Street Designation

a. Where only one street abuts a lot, that street is considered a primary street.

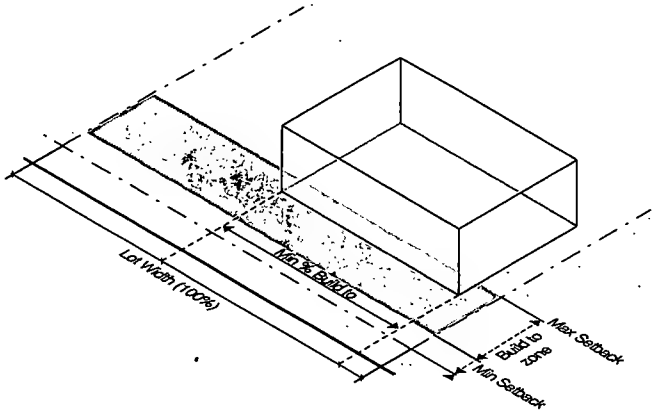
b. Where more than one street abuts a lot, Haywood Road or Patton Avenue are considered the primary street.

E. Build-to Zone (BTZ)

1. Defined

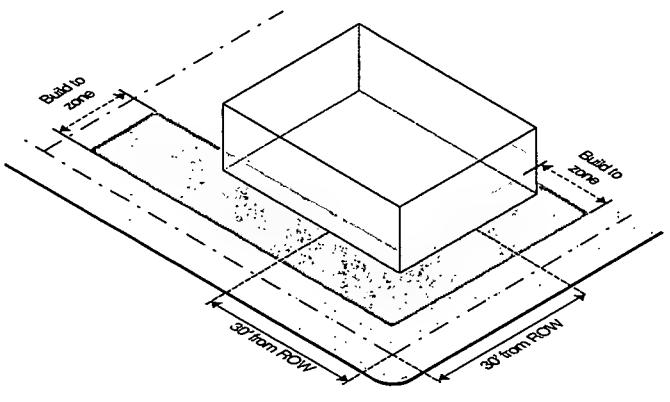
a. The build-to zone (BTZ) is the area on the lot where a certain percentage of the front building facade must be located, measured as a minimum and maximum setback range from the edge of the right-of-way.

b. The required percentage specifies the amount of the front building facade that must be located in the build-to zone, measured based on the width of the building divided by the width of the lot.



2. Corner Lots

On a corner lot, a building facade must be placed within the build-to zone for the first 30 feet along the street extending from the block corner,.measured from the intersection of the two right-of-way lines.



3. Uses Allowed

With the exception of parking spaces and outdoor storage, all structures and uses (including outdoor dining) allowed on the lot are allowed in the build-to zone.

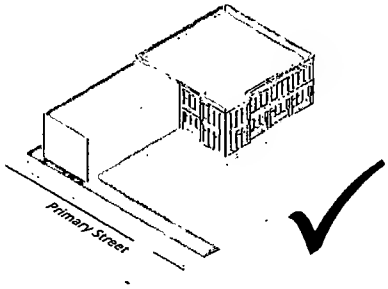
F. Nonconforming Build-to Zone

1. Additions

Expansion of an existing building which is unable to meet the build-to requirement must comply with the following nonconforming provisions:

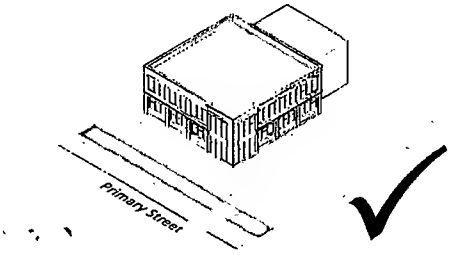
a.Front: Addition

Any addition to the front must be placed in the build-to zone; however, the addition does not have to meet the build-to percentage for the lot. A front addition is not allowed on a contributing structure in a National Register District or a structure that is eligible for historic designation (although a variance may be granted where a hardship exists, including but not limited to a conflict with the Building Code or specific purposes for the addition that make a front location the most technically (not financially) feasible option.



b. Rear: Addition

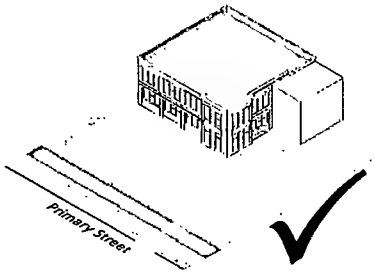
One-story or multi-story rear additions are allowed because the extension does not increase the degree of the nonconformity.



c. Side: Addition

One-story or multi-story side additions meeting the following conditions are allowed:

i. The side addition is no greater than 500 square feet in area or 20% of the existing building footprint, (whichever is greater), and is less than 50% of the existing building width measured along the primary street.



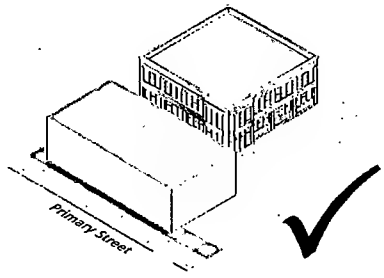
ii. In the case of a contributing structure in a National Register District (or a structure eligible for designation), the side addition can be placed no closer than 5 feet from the street-facing facade of the building.

2. New Buildings

Where a new building is being constructed on a lot or site with an existing building on it that doesn't meet the build-to requirement, the following nonconforming provisions apply.

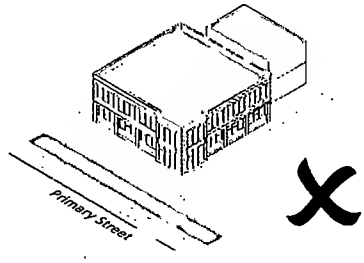
a. Front: New Building

All new buildings must be placed in the build-to zone until the build-to percentage for the lot has been met.



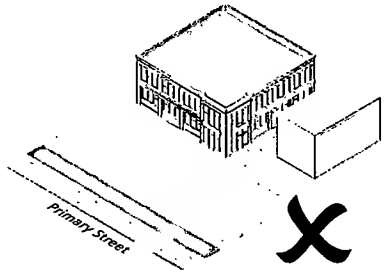
b. Rear: New Building

New buildings located outside of the build-to zone are not allowed until the build-to percentage for the lot has been met.



c. Side: New Building

New buildings located outside of the build-to zone are not allowed until the build-to percentage for the lot has been met.



d. Accessory Structures: New Structure

New accessory structures must be placed behind or to the side of the principal building and may not exceed 500 square feet. Outdoor dining may be placed at the front of the lot to enhance the acitivity at the sidewalk. One-story accessory structures are permitted.

G. Setback Encroachments

All buildings and structures must be located at or behind the required setbacks except as listed below. Unless specifically stated, no building or structure can extend into a required easement or public right-of-way.

1. Building Features

a. Porches, stoops, balconies, galleries and awnings/canopies can extend into a required primary street setback as stated in Sec. 2.2.R

b. Building eaves, roof overhangs, gutters, downspouts, light shelves, bay windows and oriels less than 10 feet wide, cornices, belt courses, sills, buttresses or other similar architectural features may encroach up to 3 feet into a required setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.

c. Chimneys or flues may encroach up to 4 feet, provided that such extension is at least 2 feet from the vertical plane of any lot line.

d. Unenclosed patios, decks, balconies, stoops, porches, terraces or fire escapes may encroach into a side interior or rear setback, provided that such extension is at least 6 feet from the vertical plane of any lot line and bufferyard requirements, if any, are met.

e. Handicap ramps may encroach to the extent necessary to perform their proper function.

f. Structures below and covered by the ground may encroach into a required setback.

2. Low Impact Stormwater Features

a. Low impact stormwater management features may encroach up to 2 feet into a primary street setback (but not into the required sidewalk), including, but not limited to:

i. Rain barrels or cisterns, 6 feet or less in height;

ii. Planter boxes;

iii. Bio-retention areas; and

iv. Similar features, as determined by the City Engineer.

b. Low impact stormwater management features listed above may encroach into a side interior or rear setback, provided such extension is at least 2 feet from the vertical plane of any lot line.

3. Mechanical Equipment and Utility Lines

a. For residential buildings only, mechanical equipment such as HVAC units and security lighting, may encroach into a required rear or side interior setback, provided that such extension is at least 3 feet from the vertical plane of any lot line.

b. Minor structures accessory to utilities (such as hydrants, manholes, and transformers and other cabinet structures) may encroach into a required rear, side interior or side street setback.

4. Other Setback Encroachments

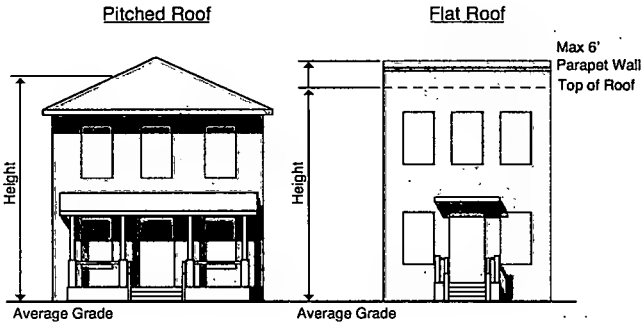
a. Fences and walls under § 7-10-3.

b. Property line buffers under Sec. 4.2.

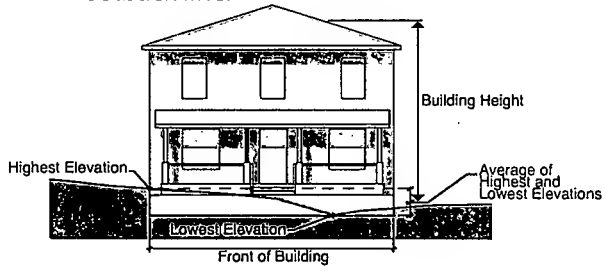
c. Signs under Sec. 4.3.

H. Building Height

1. Building height is regulated in both number of stories and feet and is measured from the average grade to the mean height level between the eaves and ridge of a gable, hip, mansard, or gambrel roof or to the highest point of roof surface of a flat roof, not including a maximum 6-foot high parapet wall encroachment. In no case is a parapet allowed to exceed 6 feet in height above the roof deck.

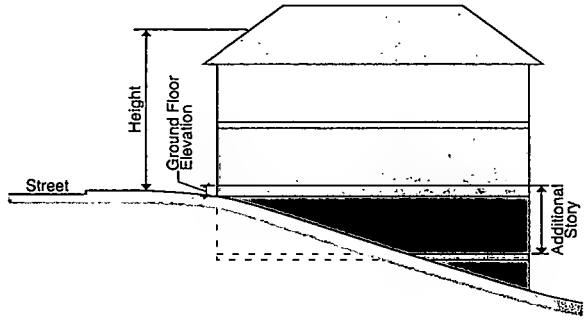


2. Average grade is determined by calculating the average of the highest and lowest elevation along natural or improved grade (whichever is more restrictive) along the front of the building parallel to the primary street setback line.

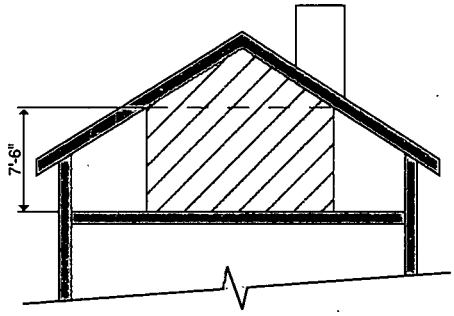


3. New principal structures must be a minimum height of 2 stories. Any second story must be finished out for occupancy.

4. Where a lot slopes downward from the front property line, one story that is additional to the specified maximum number of stories may be built on the lower, rear portion of the lot.



5. An attic does not count as a story where 50% or more of the attic floor area has a clear height of less than 7½ feet; measured from the finished floor to the finished ceiling.



6. A basement with 50% or more of its perimeter wall area surrounded by natural grade is not considered a story.

I. Height Encroachments

Any height encroachment not listed below is prohibited.

1. The maximum height limits of the district do not apply to spires, belfries, cupolas, domes not intended for human occupancy; monuments, water tanks, water towers or other similar structures which, by design or function, must exceed the established height limits.

2. The following specified accessory structures, building and site features, and mechanical equipment may exceed the established height limit provided they do not exceed the maximum height by more than 6 feet:

a. Chimney, flue or vent stack;

b. Flagpole;

c. Vegetation associated with a rooftop garden or landscaping;

d. Skylights;

e. Parapet wall; and

f. Solar panels, wind turbines and rainwater collection systems.

3. The following may exceed the established height limits provided they do not exceed the maximum building height by more than 10 feet, do not occupy more than 25% of the roof area, and are set back at least 10 feet from the edge of the roof:

a. Elevator or stairway access to roof;

b. Rooftop shade structure;

c. Greenhouse; and

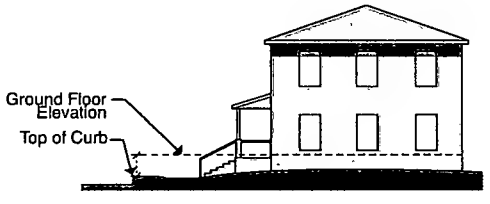
d. Mechanical equipment.

4. Any of the elements listed in paragraphs 2. and 3. above are considered accessory to the principal structure and must not be used for any purpose other than as incidental to the principal structure.

J. Ground Floor Elevation

1. Ground floor elevation is measured from top of the adjacent curb to the top of the finished ground floor.

2. Minimum ground floor elevation applies to the first 30 feet of the lot measured from the right-of-way line.



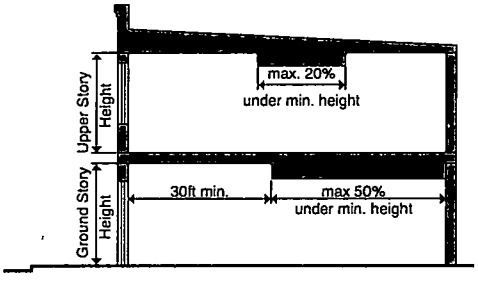
3. Ground floor elevation must meet the accessiblity requirements of the NC Building Code.

K. Story Height

1. Story height is measured from the top of the finished floor to the ceiling above.

2. Minimum ground story height applies to the first 30 feet of the building measured inward from the street-facing facade. At least 50% of the ground story must meet the minimum height provisions.

3. At least 80% of each upper story must meet the minimum upper story height provisions.



L. Transparency

1. The minimum percentage of windows and doors that must cover a ground story facade. The transparency percentage is derived by dividing the transparent area of ground story windows and doors between 2 and 12 feet above the adjacent sidewalk by the total area of the ground story facade along the primary or side street.

2. The minimum transparency percentage of windows and doors that must cover an upper story facade is measured from top of

the finished floor to the top of the finished floor above. When there is no floor above, upper story transparency is measured from the top of the finished floor to the top of the wall plate. The percentage is derived for each upper story based on the transparent area of upper story windows and doors divided by the total area of the upper story facade.

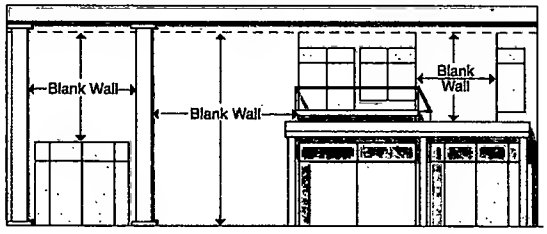
3. Transparency applies to primary and side street-facing facades only.

4. Glass is considered transparent where it has a transparency higher than 80% and external reflectance of less than 15%.

5. An opening to a parking garage is not considered transparency. Any clear glass in a garage door for a restaurant or entertainment use (and not for loading purposes) is considered transparent.

M. Blank Wall Area

1. Blank wall area means a portion of the exterior facade of the building that does not include: windows or doors; columns, pilasters or other articulation greater than 12 inches in depth; or a substantial material change (paint color is not considered a substantial change). The same material used in a different pattern does not constitute a substantial material change.

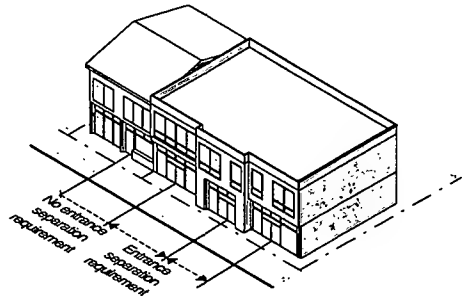


2. Blank wall area applies in both a vertical and horizontal direction and to ground and upper story primary and side street-facing facades.

N. Pedestrian Access

1. An entrance providing both ingress and egress, operable to residents or customers at all times during operating hours, is required to meet the street-facing entrance requirements. Additional entrances off another street, pedestrian area or internal parking area are permitted.

2. The entrance spacing requirements must be met for each building, but are not applicable to adjacent buildings.



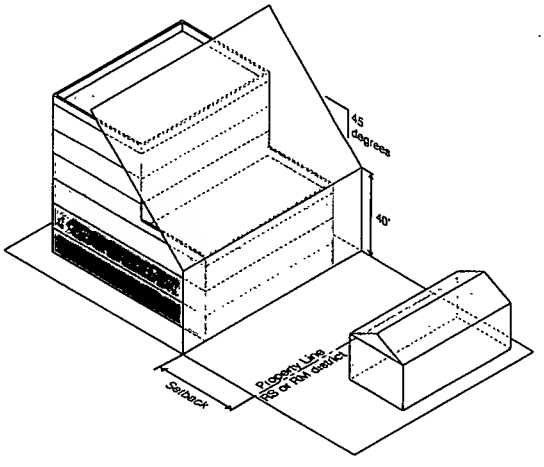
3. Doors are not permitted to swing into public rights-of-way.

4. An angled entrance may be provided at either corner of a building along the street to meet the street-facing entrance requirements.

O. Neighborhood Compatibility

1. Building Stepback

a. A building stepback is required when form district property is abutting an RS or RM district. When abutting an RS or RM district, a building must not extend into a 45-degree angular plane projecting over the subject property measured from a height of 40 feet at the side interior or rear setback line. One foot of additional setback is required for every foot of height above 40 feet.



b. The building stepback ends at any public street (not including an alley) or 150 feet from the RS or RM district property line, whichever is less.

2. Property Line Buffer

A property line buffer meeting the standards of Sec. 4.2 is required where a Haywood Road Form District abuts a RS or RM district.

P. Building Materials

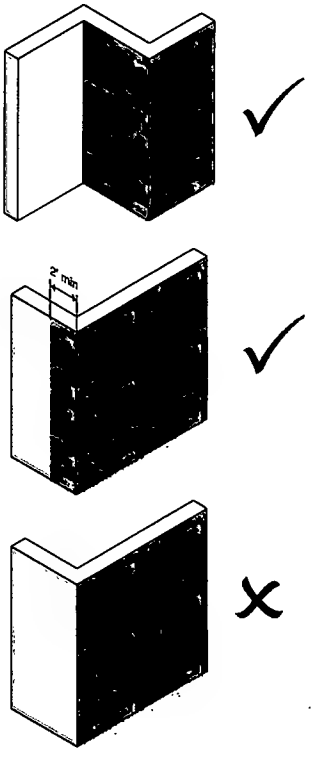
1. Applicability

The following requirements apply to all street-facing facades of a building.

2. Use of Materials

a. Traditional materials such as brick, terra-cotta, natural stone, cast stone, metal, glass, concrete are preferred for new construction and renovations. Non-traditional materials such as unpainted rough-sawn wood and materials with a rustic image are used carefully and in ways that relate to their traditional context. The use of modern sustainable or green materials may justify deviations from the use of traditional materials. Synthetic finishing system materials are not permitted at the ground or street level.

b. Primary material changes must occur at inside corners or where they wrap around an outside corner a minimum of 2 feet.



c. When using more than one primary material in a facade, one is required as the main theme, with the others acting only to complement and accentuate the design.

d. Openings in masonry facades should express a structural lintel or arch to show how they are carrying the weight above.

Q. Streets, Sidewalks and Driveways

1. If an appropriate width sidewalk and street trees do not exist or do not meet the sub-district requirements, the developer is responsible for installation sidewalk and street trees as shown in Sec. 2.3 through Sec. 2.6. Modified dimensions may be approved by the City Traffic Engineer to account for existing street widths and building locations.

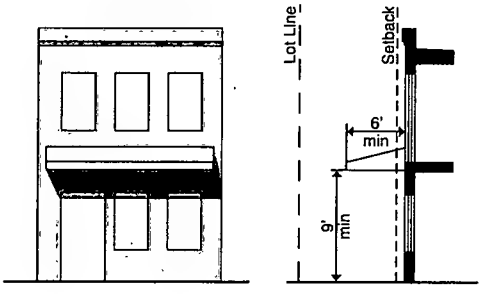
2. The required sidewalk may be wholly or partially located on private property, provided the sidewalk is located within an easement permanently dedicated to the City.

3. Where vehicular access is provided to a site, it must occur from a side street and not from Haywood Road, unless this option is determined infeasible by the City Traffic Engineer. For sites that must be accessed from Haywood Road, no more than one driveway is allowed with a maximum width of 24 feet.

4. The City Traffic Engineer may require the closure of existing curb cuts on Haywood Road where proposed site and building improvements exceed 75% of the appraised value of the existing improvements (as determined by Buncombe County Tax Assessor or by an MAI-certified real estate appraiser) and alternatives to access from Haywood Road are available.

R. Building Elements

Individual building elements are allowed for by sub-district (see Sec. 2.3 through Sec. 2.6)



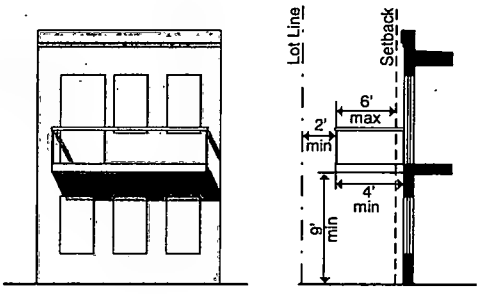
1. Awning/Canopy

A wall-mounted, cantilevered structure providing shade and cover from the weather for a sidewalk.

a. An awning/canopy must be a minimum of 9 feet clear height above the sidewalk and must have a minimum depth of 6 feet. The Planning and Development Director may approve a modification to these standards in order to fit an awning or canopy on an existing building.

b. An awning/canopy may extend into a required setback above private property.

c. An awning/canopy may encroach up to 9 feet into the public right-of-way but must be at least 2 feet inside the curb line or edge of pavement, whichever is greater. The encroachment requires City or DOT approval, based on the ownership of the right-of-way.



2. Balcony

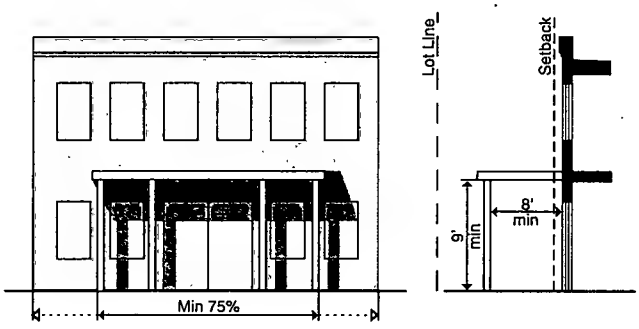
A platform projecting from the wall of an upper-story of a building with a railing along its outer edge, often with access from a door or window.

a. A balcony must be at least 4 feet deep and may extend up to 6 feet into a required setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.

b. A balcony must have a clear height above the sidewalk of at least 9 feet.

c. A balcony may be covered and screened, but cannot be fully enclosed.

d. A balcony may encroach up to 6 feet into the public right-of-way but must be at least 2 feet inside the curb line or edge of pavement, whichever is greater. The encroachment requires City or DOT approval, based on the ownership of the right-of-way.



3. Gallery

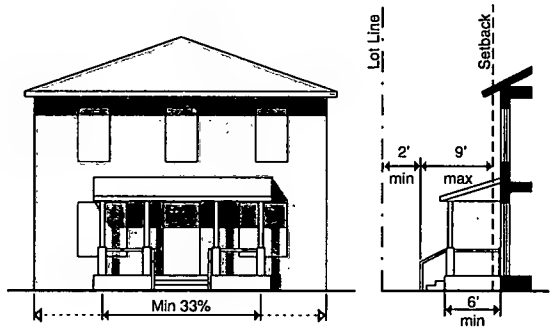
A covered passage extending along the outside wall of a building supported by arches or columns that is open on 3 sides.

a. A gallery must have a clear depth from the support columns to the building's facade of at least 8 feet and a clear height above the sidewalk of at least 9 feet.

b. A gallery must be contiguous and extend over at least 75% of the width of the building facade from which it projects.

c. A gallery may extend into a required setback.

d. A gallery may encroach up 9 feet into the public right-of-way but must be at least 2 feet inside the curb line or edge of pavement, whichever is greater. The encroachment requires City or DOT approval, based on the ownership of the right-of-way.



4. Front Porch

A raised structure attached to a building, forming a covered entrance to a doorway.

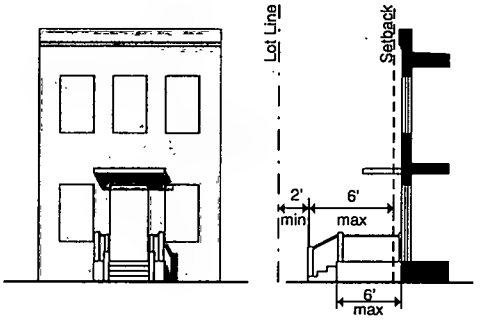
a. A front porch must be at least 6 feet deep (not including the steps).

b. A front porch must be contiguous, with a width not less than 33% of the building facade from which it projects.

c. A front porch must be roofed and may be screened, but cannot be fully enclosed.

d. A front porch may extend up to 9 feet, including the steps, into a required setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.

e. A front porch may not encroach into the public right-of-way.



5. Stoop

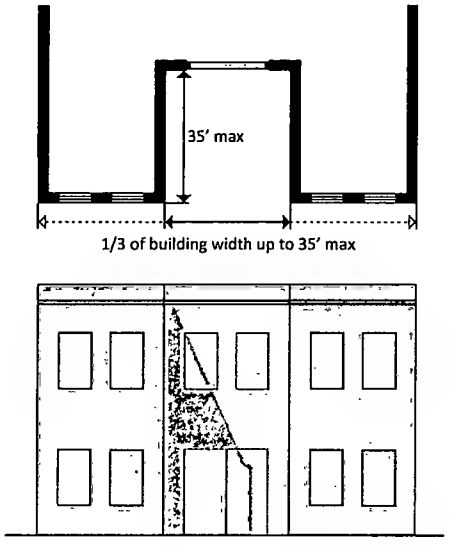
A small raised platform that serves as an entrance to a building.

a. A stoop must be no more than 6 feet deep (not including the steps) and 6 feet wide.

b. A stoop may be covered but cannot be fully enclosed (must not be screened in).

c. A stoop may extend up to 6 feet, including the steps, into a required setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.

d. A stoop may not encroach into the public right-of-way.



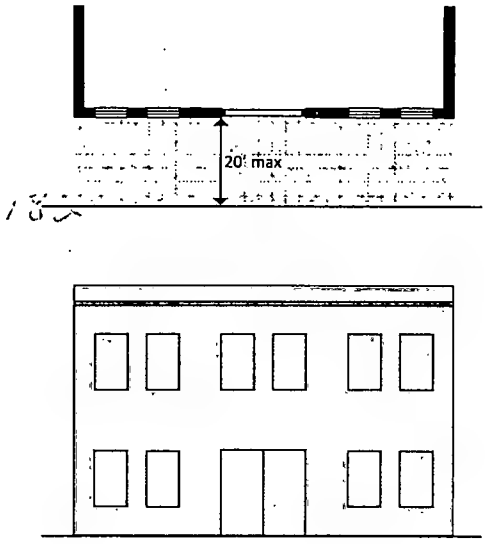
6. Courtyard

An open area at grade, or within 30 inches of grade, that serves as an open space, plaza or outdoor dining area, that does not extend across the full length of building.

a. A courtyard must be no more than one-third of the length of the building face, and in no case longer than 35 feet in width.

b. A courtyard may be no more than 35 feet in depth.

c. A courtyard is considered as part of the building for the purpose of measuring the build-to zone.



7. Forecourt

   An open area at grade, or within 30 inches of grade, that serves as an open space, plaza or outdoor dining area that extends across the full length of building.

   a. A forecourt may be placed in front of a building, provided that it extends no more than 20 feet in depth.

   b. A forecourt extends the depth of the build-to zone in an amount equal to the courtyard depth.

   c. A forecourt of at least 10 feet in depth satisfies the building stepback requirement above the second floor (where applicable).

   d. A forecourt may extend the entire width of the lot.

   e. A forecourt may also be located internal to the lot, adjacent to one or more sides of the building.

PURPOSE AND INTENT

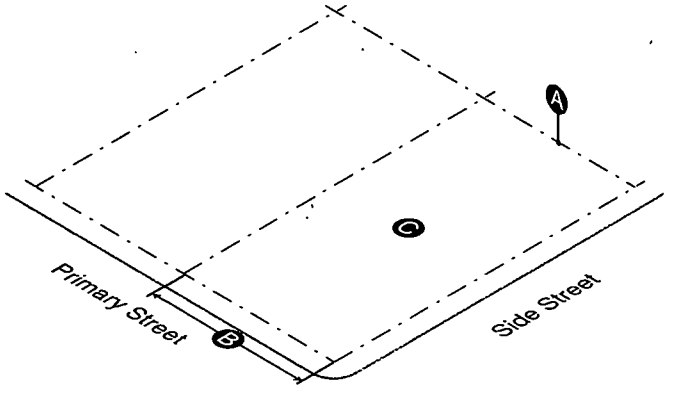
The HR-1: Core sub-district is intended to preserve existing buildings and to maintain the historic character of the two traditional centers on Haywood Road. Existing buildings should be reused where possible and new infill buildings should respect the existing form and context. Height requirements are set to ensure that existing buildings can compete successfully with new infill buildings. Buildings in the HR-1: Core sub-district are pulled up to the sidewalk to encourage pedestrian activity in the area. Mixed use is encouraged, and a variety of commercial uses are allowed on the ground floor. Residential and office uses are allowed in upper floors.

STREET CROSS-SECTION

Width	
Ⓐ Pavement width	44'
Ⓑ Crossing distance	28'
Streetscape	
Ⓒ Sidewalk (min)	8'
Ⓓ Parking lane/bump-out	8'
Travelway	
Ⓔ Travel lane with sharrow	14'

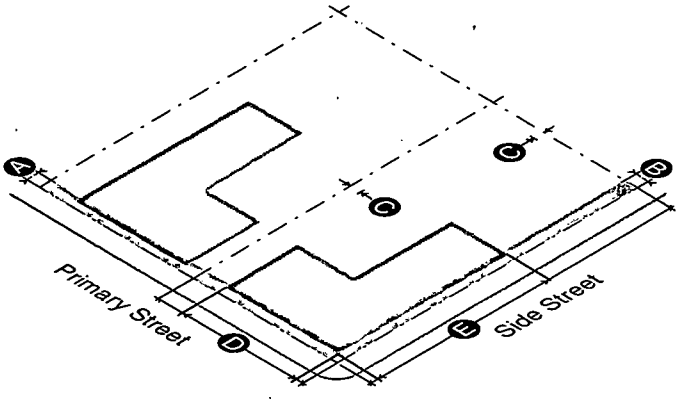
Specifications	
Walkway type	Sidewalk
Planting type	Trees in bump-outs
Parking type	Parallel
Bike lane type	Shared

1. LOT CRITERIA



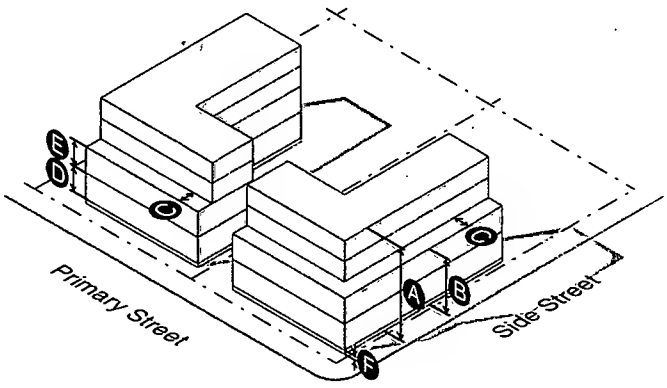
Lot Dimensions	
Ⓐ Lot area (min)	0'
Ⓑ Lot width (min)	0'
Lot Parameters	
Ⓒ Building coverage (max)	100%
Ⓓ Outdoor amenity space (min)	0%

2. SITING



Building Setbacks	
Ⓐ Primary street (min/max)	0'/5'
Ⓑ Side street (min/max)	0'/5'
Ⓒ Rear or side interior (min)	0'
Rear or side interior abutting RS, RM (min)	15'
Rear or side abutting alley (min)	5'
Build-to Zone (BTZ)	
Ⓓ Building facade in primary street BTZ (min % of lot width)	90%
Ⓔ Building facade in side street BTZ (min % of lot width)	45%
Parking Location	
No on-site parking between building and street	

3. HEIGHT

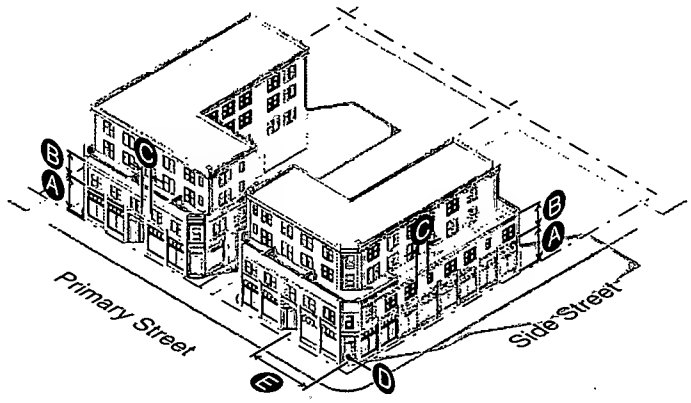


Building Height	
Ⓐ Building height, max. stories/max.feet	4/55'
Ⓑ Building height, min. stories/max. ft.	2/30'
Reduced height may be required when abutting a RS or RM district (see Sec. 2.2.O)	
Ⓒ Building stepback above 2nd story (min)	10'
For sites with a contributing structure in a National Register District (or one that is eligible for historic designation) and the first 10 feet of the street-facing facade of the structure is retained and incorporated into the new development, the stepback may take place at either the first or second story.	

Story Height	
Ⓓ Ground story height (min)	12'
Ⓔ Upper story height (min)	9'

Ground Floor Elevation	
Ⓕ Ground floor elevation (min/max)	0'/2'

4. ACTIVATION



Transparency	
Ⓐ Ground story, primary/side (min)	60%/30%
Ⓑ Upper story (min)	20%
Ⓒ Blank wall area, primary/side (max)	15'/30'

A minimum of 70% of the street-fronting, street-level window pane surface area must allow views into the ground story use for a depth of at least 8 feet. Windows cannot be made opaque by window treatments (except operable sunscreen devices within the conditioned space).

Pedestrian Access	
Ⓓ Entrance facing primary street	Required
Ⓔ Entrance spacing along primary street (max)	50'

Building Elements Allowed
Awning/canopy, balcony, forecourt, courtyard

PURPOSE AND INTENT

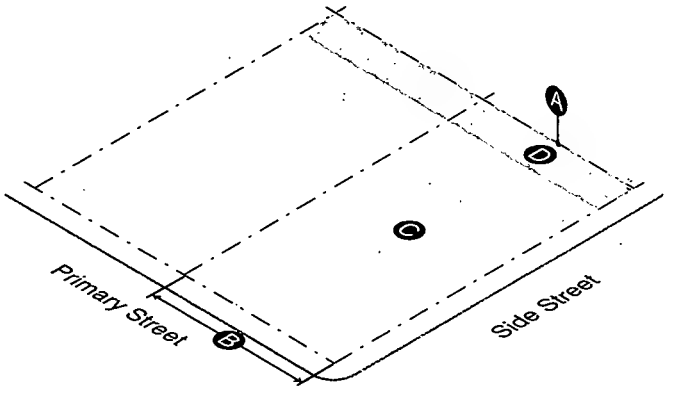
The HR-2: Expansion sub-district is intended to extend the urban character of the Core. New buildings are encouraged in this sub-district. Since the majority of this area can be expected to redevelop, new buildings are allowed to be taller than in the Core. Mixed-use buildings in the HR-2: Expansion sub-district are pulled up to the sidewalk to encourage pedestrian activity in the area. Residential buildings are set slightly further back from the street. Mixed use is encouraged, and a variety of commercial uses are allowed on the ground floor. Residential and office uses are allowed in upper floors of mixed use buildings, and a totally residential building is also allowed.

STREET CROSS-SECTION

Width	
Ⓐ Pavement width	49'
Ⓑ Crossing distance	33'
Streetscape	
Ⓒ Sidewalk (min)	10'
Ⓓ Parking lane/bump-out	8'
Travelway	
Ⓔ Bike lane	5'
Ⓕ Travel lane	11.5'

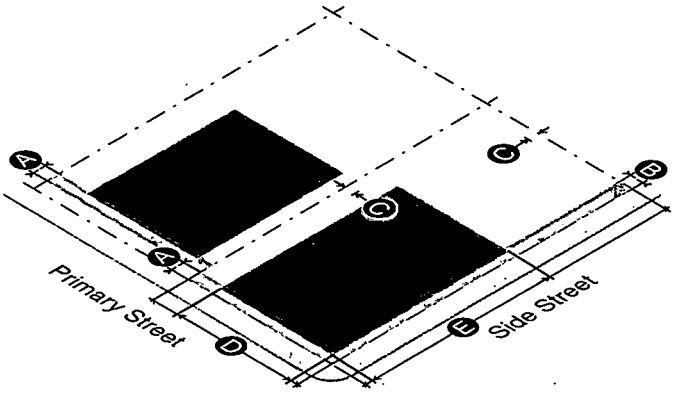
Specifications	
Walkway type	Sidewalk
Planting type	Trees in grates or bump-outs
Parking type	Parallel
Bike lane type	Striped lane

1. LOT CRITERIA



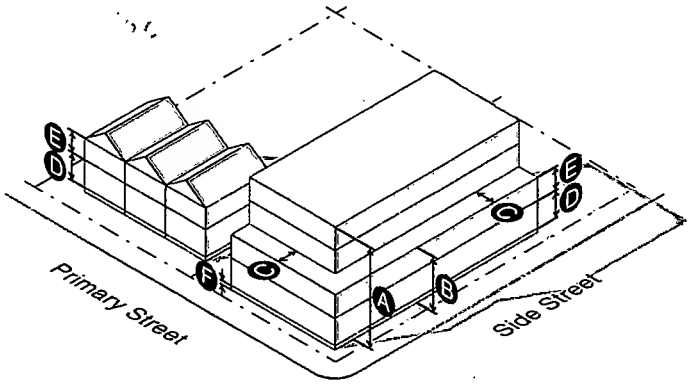
Lot Dimensions	
Ⓐ Lot area (min)	0'
Ⓑ Lot width (min)	0'
Lot Parameters	
Ⓒ Building coverage (max)	90%
Ⓓ Outdoor amenity space (min)	10%

2. SITING



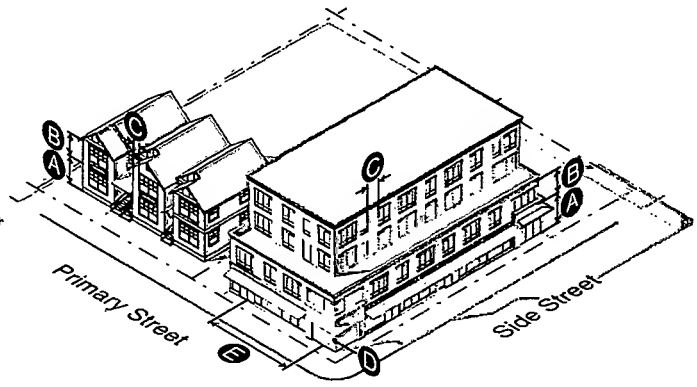
Building Setbacks	
Ⓐ Primary street (min/max)	
Residential	5'/10'
Nonresidential	0'/5'
Ⓑ Side street (min/max)	
Residential	5'/10'
Nonresidential	0'/5'
Ⓒ Rear or side interior (min)	0'
Rear or side interior abutting RS, RM (min)	15'
Rear or side abutting alley (min)	5'
Build-to Zone (BTZ)	
Ⓓ Building facade in primary street BTZ (min % of lot width)	80%
Ⓔ Building facade in side street BTZ (min % of lot width)	40%
Parking Location	
No on-site parking between building and street	
Garage doors cannot face Haywood Road	

3. HEIGHT



Building Height		
Ⓐ	Building height, stories max./feet max.	4/55'
Ⓑ	Building height, stories min./feet max.	2/30'
	Reduced height may be required when abutting a RS or RM district (see Sec. 2.2.O)	
Ⓒ	Building stepback above 2nd story (min)	10'
	For sites with a contributing structure in a National Register District (or one that is eligible for historic designation) and the first 10 feet of the street-facing facade of the structure is retained and incorporated into the new development, the stepback may take place at either the first or second story.	
Story Height		
Ⓓ	Ground story height (min)	
	Residential	10'
	Nonresidential	12'
Ⓔ	Upper story height (min)	9'
Ground Floor Elevation		
Ⓕ	Ground floor elevation (min/max)	
	Residential	2'/4'
	Nonresidential	0'/2'

4. ACTIVATION

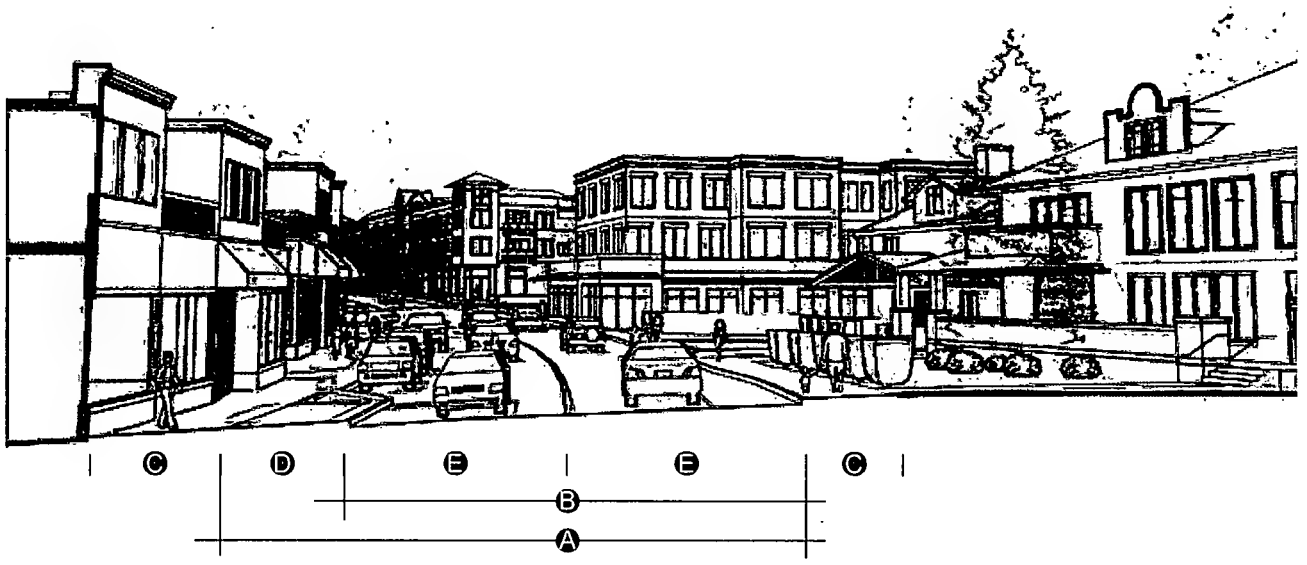


Transparency		
Ⓐ	Ground story, primary/side (min)	
	Residential	20%/20%
	Nonresidential	60%/30%
Ⓑ	Upper story (min)	20%
Ⓒ	Blank wall area, primary/side (max)	
	Residential	30'/30'
	Nonresidential	15'/30'
Pedestrian Access		
Ⓓ	Entrance facing primary street	Required
Ⓔ	Entrance spacing along primary street (max)	50'
Building Elements Allowed		
	Residential: awning/canopy, balcony, front porch, stoop	
	Nonresidential: awning/canopy, balcony, forecourt, courtyard	

PURPOSE AND INTENT

The HR-3: Corridor sub-district is intended to provide a green frontage along Haywood Road to provide relief from the urban areas of the Core and Expansion sub-districts. Existing buildings should be reused where possible and new infill buildings should respect the traditional form and context. Buildings in the HR-3: Corridor sub-district with active ground floors are pulled up to the sidewalk to encourage pedestrian activity in the area. Residential buildings are set slightly further back from the street, providing a green edge along Haywood Road. A variety of uses are allowed in this sub-district, with a focus on residential and office uses.

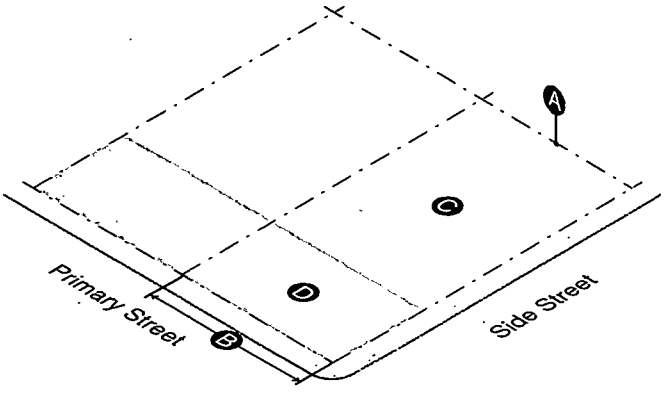
STREET CROSS-SECTION



Width	
Ⓐ Pavement width	40'
Ⓑ Crossing distance	24'
Streetscape	
Ⓒ Sidewalk (min)	8'
Ⓓ Parking lane/bump-out	8'
Travelway	
Ⓔ Travel lane with sharrow	12'

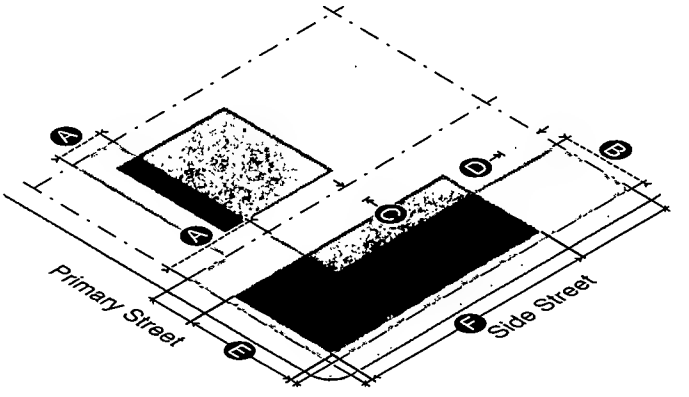
Specifications	
Walkway type	Sidewalk
Planting type	Trees in bump-outs or residential front yards
Parking type	Parallel
Bike lane type	Shared

1. LOT CRITERIA



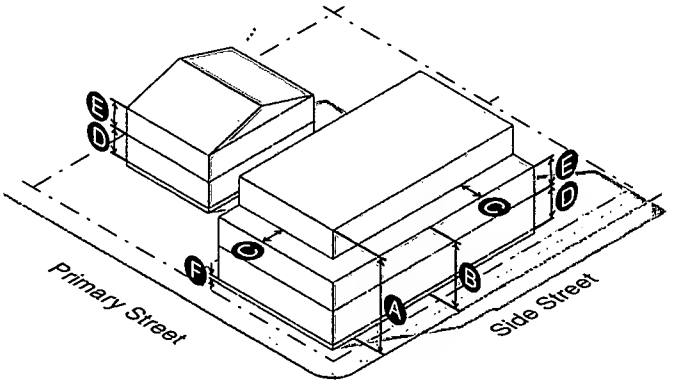
Lot Dimensions	
Ⓐ Lot area (min)	0'
Ⓑ Lot width (min)	0'
Lot Parameters	
Ⓒ Building coverage (max)	70%
Ⓓ Outdoor amenity space (min)	30%

2. SITING



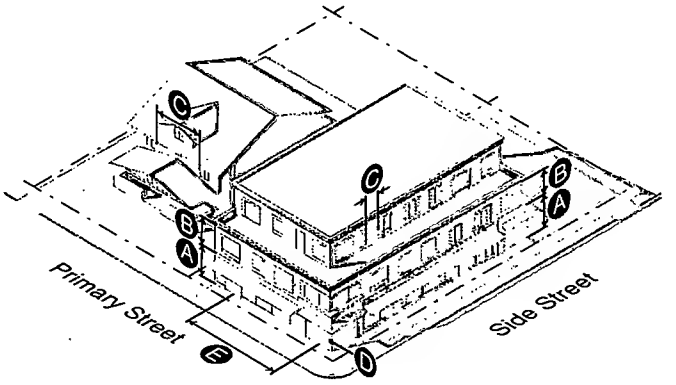
Building Setbacks	
Ⓐ Primary street (min/max)	
Residential	15'/30'
Nonresidential	0'/30'
Ⓑ Side street (min/max)	
Residential	10'/30'
Nonresidential	0'/30'
Ⓒ Side interior (min)	10'
Side interior, abutting RS, RM (min)	15'
Ⓓ Rear (min)	15'
Rear or side abutting alley (min)	5'
Build-to Zone (BTZ)	
Ⓔ Building facade in primary street BTZ (min % of lot width)	60%
Ⓕ Building facade in side street BTZ (min % of lot width)	30%
Parking Location	
No on-site parking between building and street	
Garage doors cannot face Haywood Road	

3. HEIGHT



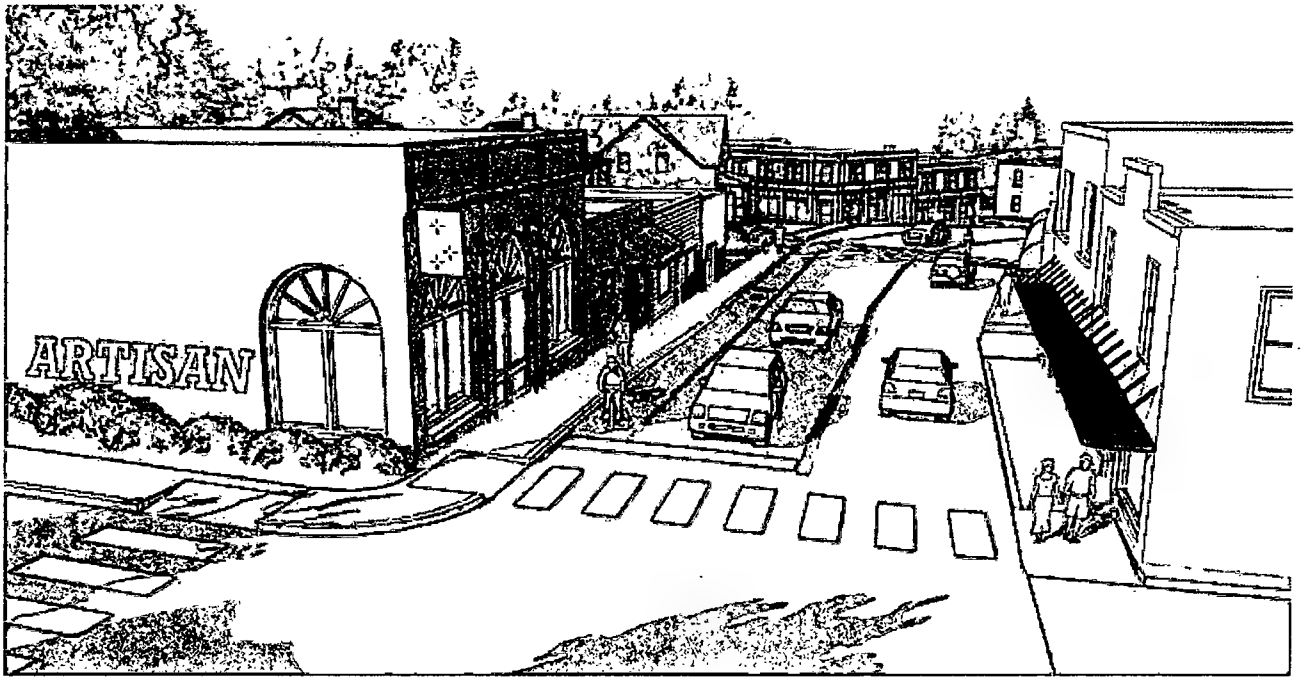
Building Height		
Ⓐ	Building height, stories max./feet max.	3/45'
Ⓑ	Building height, stories min./feet max.	2/30'
Ⓒ	Building stepback above 2nd story (min)	
	10' or less from front property line	10'
	Over 10' from front property line	Not required
Story Height		
Ⓓ	Ground story height (min)	10'
Ⓔ	Upper story height (min)	9'
Ground Floor Elevation		
Ⓕ	Ground floor elevation (min/max)	
	Residential	2'/4'
	Nonresidential	0'/4'

4. ACTIVATION

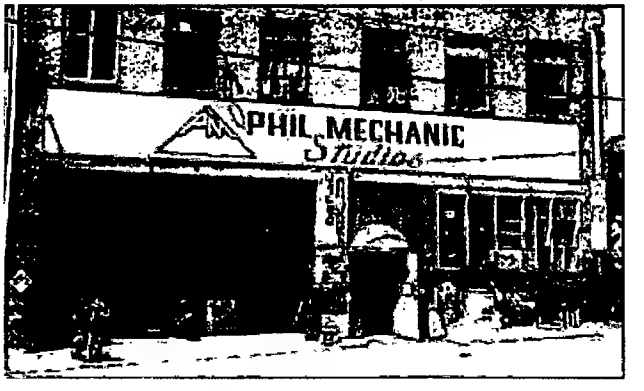


Transparency		
Ⓐ	Ground story, primary/side (min)	
	Facade ≤15' from ROW line	40%/20%
	Facade >15' from ROW line	20%/20%
Ⓑ	Upper story (min)	20%
Ⓒ	Blank wall area, primary/side (max)	
	Facade ≤15' from ROW line	15'/30'
	Facade >15' from ROW line	30'/30'
Pedestrian Access		
Ⓓ	Entrance facing primary street	Required
Ⓔ	Entrance spacing along primary street (max)	50'
Building Elements Allowed		
	Awning/canopy, balcony, front porch, stoop	

PURPOSE AND INTENT



The HR-4: Traditional sub-district is intended to preserve existing buildings and to expand the historic character this center on Haywood Road. Existing buildings should be reused where possible and new infill buildings should respect the traditional form and context. Height requirements are set to ensure that existing buildings can compete successfully with new infill buildings. Buildings in the HR-4: Traditional sub-district are pulled up to the sidewalk to encourage pedestrian activity in the area. Mixed use is encouraged, and a variety of commercial uses are allowed on the ground floor. Residential and office uses are allowed in upper floors of mixed use buildings, and a totally residential building is also allowed.

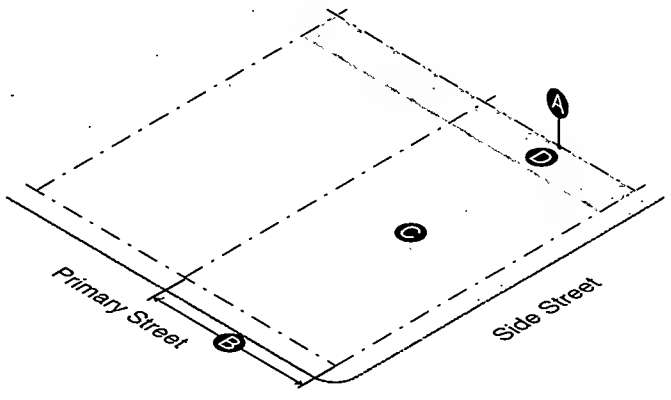


STREET CROSS-SECTION

Width	
Ⓐ Pavement width	29'
Ⓐ Crossing distance	29'
Streetscape	
Ⓑ Sidewalk (min)	6'
Travelway	
Ⓒ Bike lane (one side uphill)	5'
Ⓓ Travel lane	12'

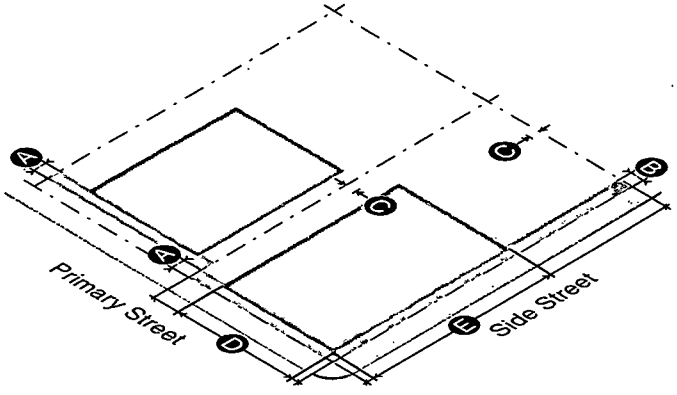
Specifications	
Walkway type	Sidewalk
Planting type	--
Parking type	--
Bike lane type	Striped lane

1. LOT CRITERIA



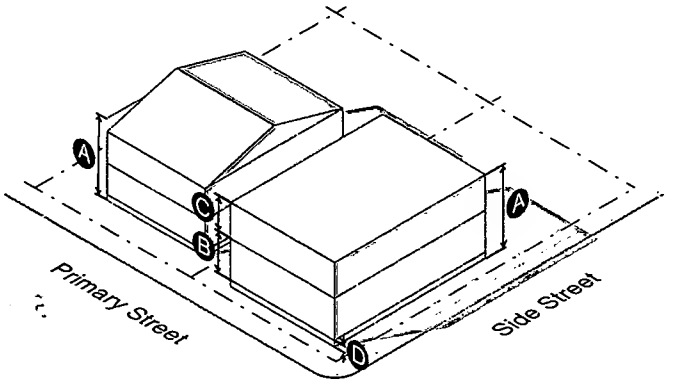
Lot Dimensions	
Ⓐ Lot area (min)	0'
Ⓑ Lot width (min)	0'
Lot Parameters	
Ⓒ Building coverage (max)	90%
Ⓓ Outdoor amenity space (min)	10%

2. SITING



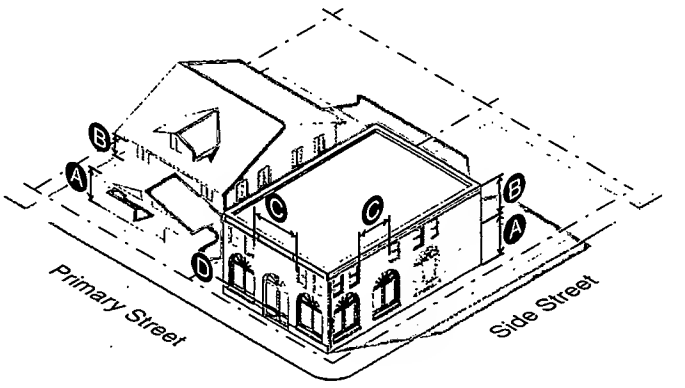
Building Setbacks	
Ⓐ Primary street (min/max)	
Residential	5'/10'
Nonresidential	0'/5'
Ⓑ Side street (min/max)	
Residential	5'/10'
Nonresidential	0'/5'
Ⓒ Rear or side interior (min)	0'
Rear or side interior abutting RS, RM (min)	15'
Rear or side abutting alley (min)	5'
Build-to Zone (BTZ)	
Ⓓ Building facade in primary street BTZ (min % of lot width)	70%
Ⓔ Building facade in side street BTZ (min % of lot width)	35%
Parking Location	
Off-street only	
No on-site parking between building and street	
Garage doors cannot face Haywood Road	

3. HEIGHT



Building Height	
Ⓐ Building height, stories min./feet max.	2/35'
Story Height	
Ⓑ Ground story height (min)	
Residential	10'
Nonresidential	12'
Ⓒ Upper story height (min)	9'
Ground Floor Elevation	
Ⓓ Ground floor elevation (min/max)	
Residential	2'/4'
Nonresidential	0'/2'

4. ACTIVATION

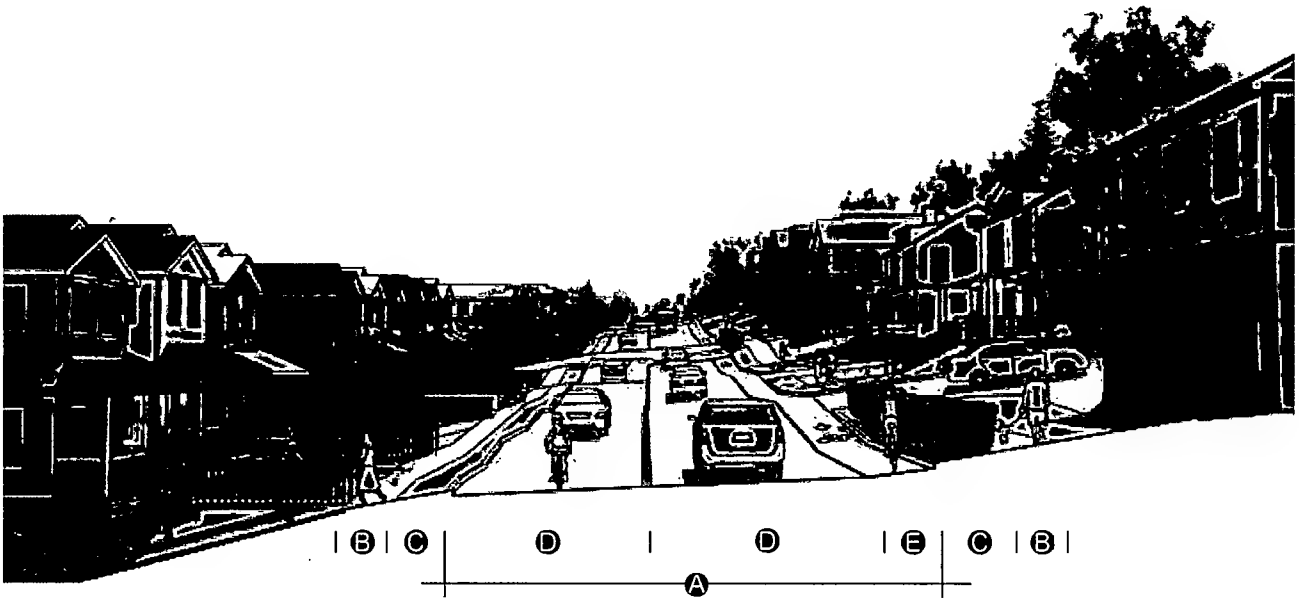


Transparency	
Ⓐ Ground story, primary/side (min)	
Residential	20%/20%
Nonresidential	60%/30%
Ⓑ Upper story (min)	20%
Ⓒ Blank wall area, primary/side (max)	
Residential	30'/30'
Nonresidential	15'/30'
Pedestrian Access	
Ⓓ Entrance facing primary street	Required
Ⓔ Entrance spacing along primary street (max)	50'
Building Elements Allowed	
Residential: awning/canopy, balcony, front porch, stoop	
Nonresidential: awning/canopy, balcony, forecourt, courtyard	

PURPOSE AND INTENT

The HR-5: Live-Work sub-district is intended for new residential or live-work buildings that address and conform to the steep topography of the area. Live-work buildings in the HR-5: Live-Work sub-district are pulled up to the sidewalk to encourage pedestrian activity in the area. Residential buildings are set slightly further back from the street. A variety of live-work and residential uses are allowed in this sub-district.

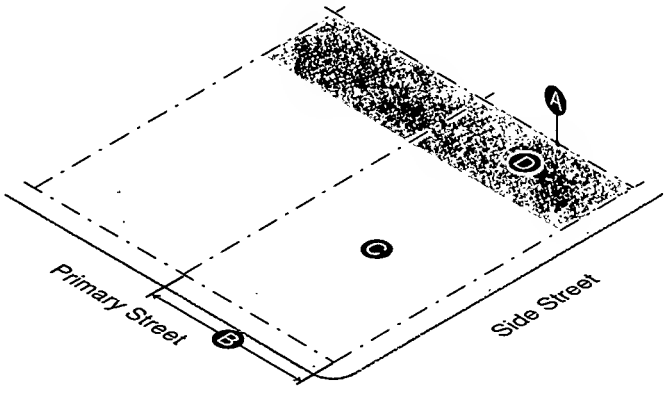
STREET CROSS-SECTION



Width	
Ⓐ Pavement width	29'
Ⓐ Crossing distance	29'
Streetscape	
Ⓑ Sidewalk (min)	6'
Ⓒ Planting area	5'
Travelway	
Ⓓ Bike lane (one side uphill)	5'
Ⓔ Travel lane	12'

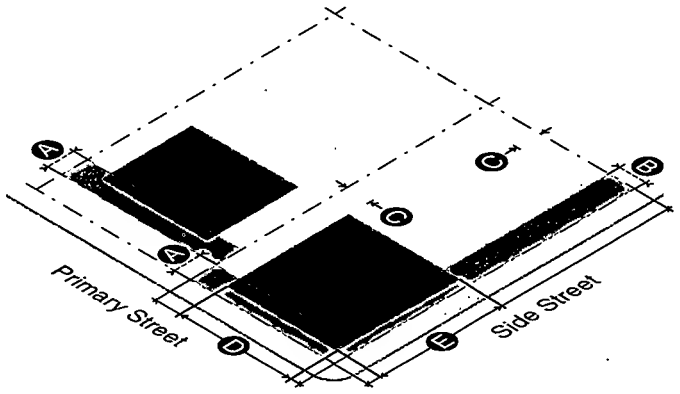
Specifications	
Walkway type	Sidewalk
Planting type	Trees in verge or residential front yards
Parking type	--
Bike lane type	Striped lane

1. LOT CRITERIA



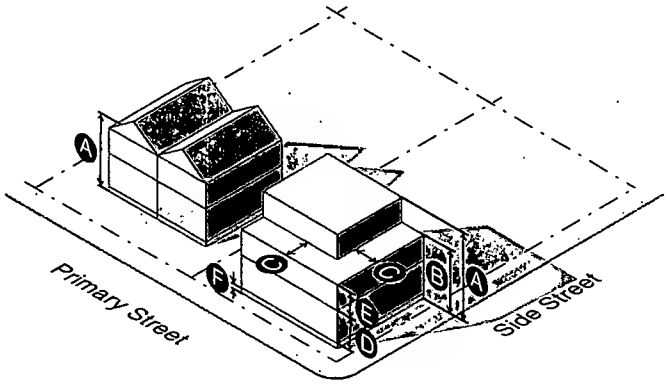
Lot Dimensions	
Ⓐ Lot area (min)	0'
Ⓑ Lot width (min)	0'
Lot Parameters	
Ⓒ Building coverage (max)	80%
Ⓓ Outdoor amenity space (min)	20%

2. SITING



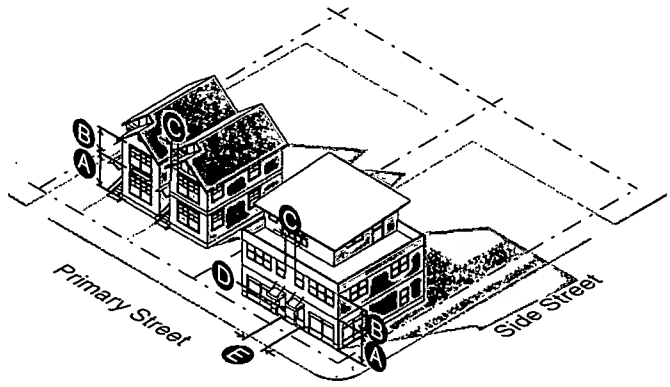
Building Setbacks	
Ⓐ Primary street (min/max)	
Residential	10'/20'
Live-work	0'/10'
Ⓑ Side street (min)	
Residential	10'
Live-work	0'
Ⓒ Rear or side interior (min)	0'
Rear or side abutting alley (min)	5'
Build-to Zone (BTZ)	
Ⓓ Building facade in primary street BTZ (min % of lot width)	70%
Ⓔ Building facade in side street BTZ (min % of lot width)	35%
Parking Location	
Off-street only	
No on-site parking between building and street	
Garage doors cannot face Haywood Road	

3. HEIGHT



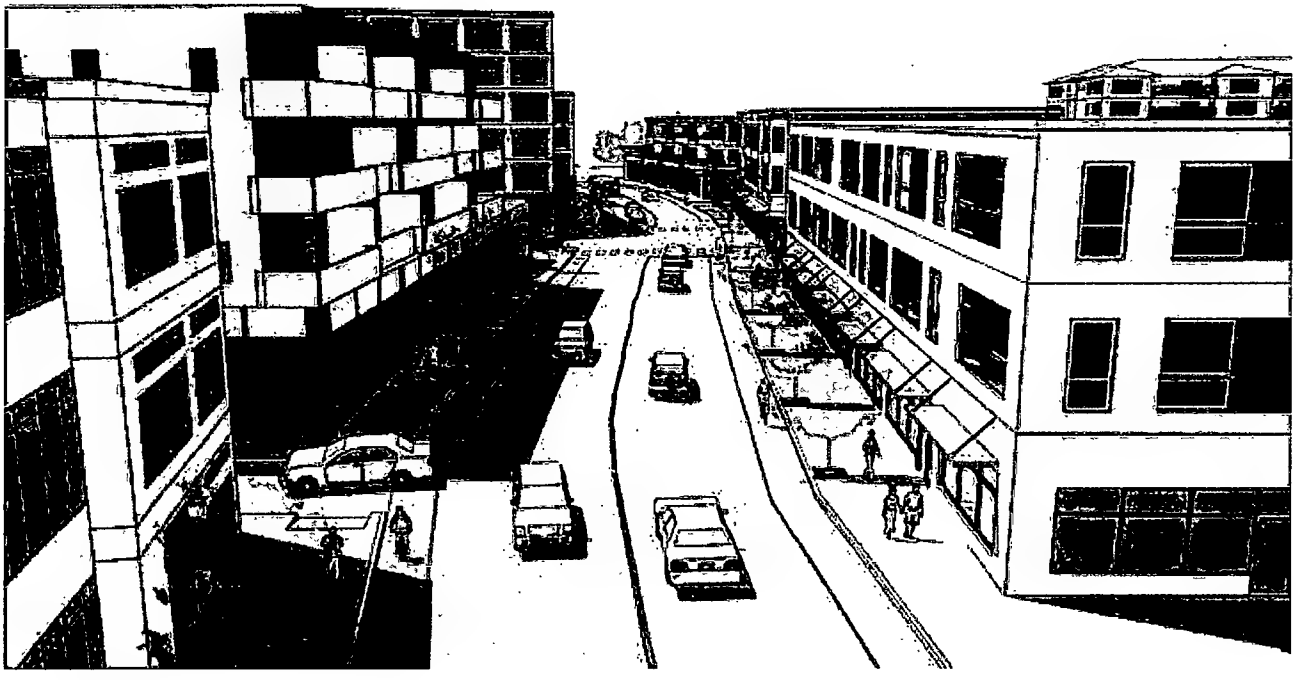
Building Height	
Ⓐ Building height, stories max/feet max	3/45'
Ⓑ Building height, stories min/feet max	2/30'
Ⓒ Building stepback above 2nd story (min)	
10' or less from front property line	10'
Over 10' from front property line	Not required
Story Height	
Ⓓ Ground story height (min)	
Residential	10'
Live-work	12'
Ⓔ Upper story height (min)	9'
Ground Floor Elevation	
Ⓕ Ground floor elevation (min/max)	
Residential	0'/8'
Live-work	0'/4'

4. ACTIVATION

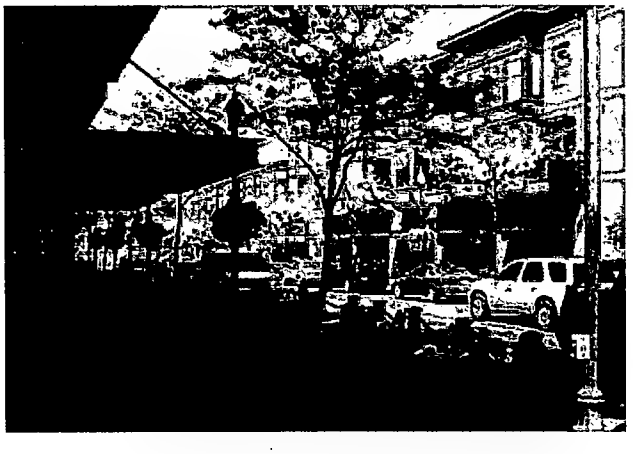


Transparency	
Ⓐ Ground story, primary (min)	
Residential	20%
Live-work	40%
Ⓑ Upper story (min)	20%
Ⓒ Blank wall area, primary (max)	
Residential	30'
Live-work	15'
Pedestrian Access	
Ⓓ Entrance facing primary street	Required
Ⓔ Entrance spacing along primary street (max)	50'
Building Elements Allowed	
Residential: awning/canopy, balcony, front porch, stoop	
Live-work: awning/canopy, balcony, front porch, stoop, courtyard	

PURPOSE AND INTENT



The HR-6: Town sub-district is intended to provide a new center of activity where Haywood Road meets Patton Avenue. Redevelopment with new, taller buildings is encouraged in this sub-district in order to take advantage of the spectacular views afforded by this hilltop location. Mixed-use buildings in the HR-6: Town sub-district are pulled up to the sidewalk along Haywood Road to encourage pedestrian activity in the area. Buildings along Patton Avenue may be pulled back to allow limited parking between the building and the street. Mixed use is encouraged, and a variety of commercial uses are allowed on the ground floor. Residential and office uses are allowed in upper floors of mixed use buildings.

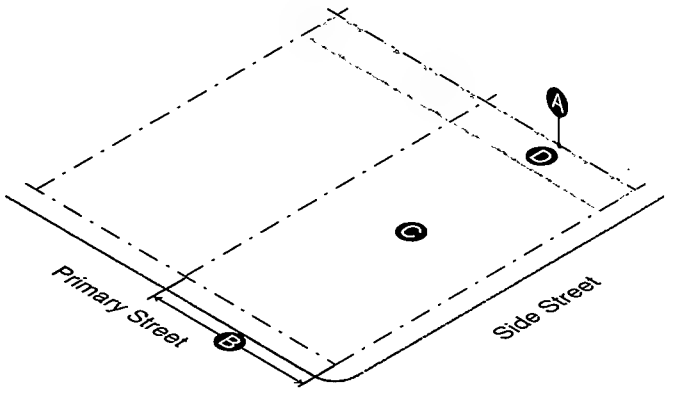


STREET CROSS-SECTION

Width	
Ⓐ Pavement width	30'
Ⓐ Crossing distance	30'
Streetscape	
Ⓑ Sidewalk (min)	8'
Ⓒ Planting area	5'
Travelway	
Ⓓ Bike lane	5'
Ⓔ Travel lane	10'

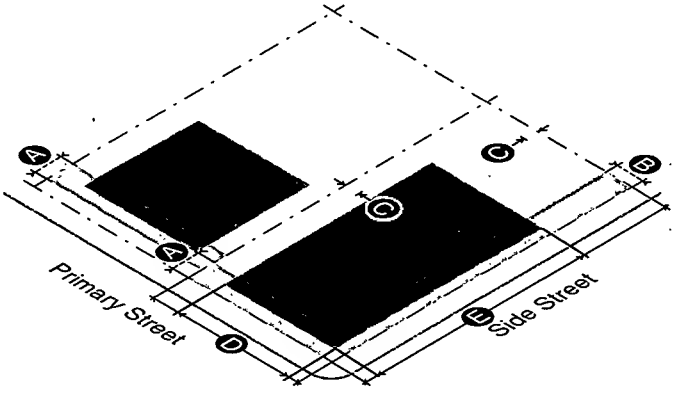
Specifications	
Walkway type	Sidewalk
Planting type	Trees in grates or bump-outs
Parking type	--
Bike lane type	Striped lane

1. LOT CRITERIA



Lot Dimensions	
Ⓐ Lot area (min)	0'
Ⓑ Lot width (min)	0'
Lot Parameters	
Ⓒ Building coverage (max)	80%
Ⓓ Outdoor amenity space (min)	20%

2. SITING



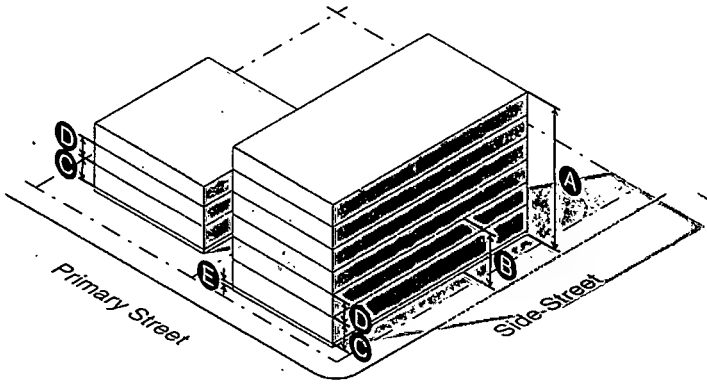
Building Setbacks	
Ⓐ Primary street (min/max)	
Residential	5'/15'
Nonresidential	0'/10'
Patton Avenue exemption	0'/85'
Ⓑ Side street (min/max)	
Residential	5'/15'
Nonresidential	0'/10'
Ⓒ Rear or side interior (min)	0'
Rear or side interior abutting RS, RM (min)	15'
Rear or side abutting alley (min)	5'
Build-to Zone (BTZ)	
Ⓓ Building facade in primary street BTZ (min % of lot width)	80%
Ⓔ Building facade in side street BTZ (min % of lot width)	40%

Parking Location

No on-site parking between building and street, except on Patton Avenue, where max. 2 bays of on-site parking with single drive aisle is allowed

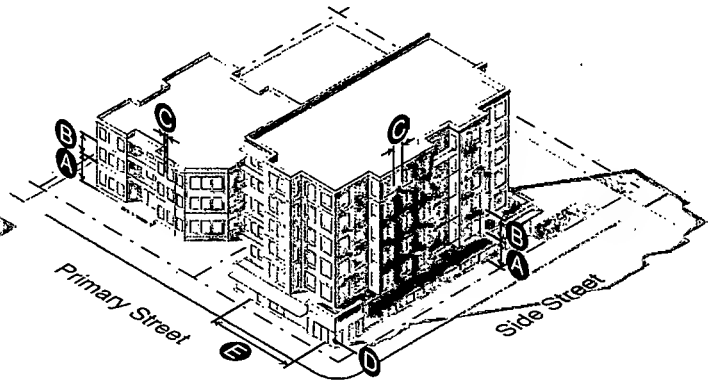
Garage doors cannot face Haywood Road

3. HEIGHT



Building Height		
Ⓐ	Building height, stories max./feet max.	6/80'
Ⓑ	Building height, stories min./feet max.	2/30'
	Reduced height may be required when abutting a RS or RM district (see Sec. 2.2.O)	
Story Height		
Ⓒ	Ground story height (min)	
	Residential	10'
	Nonresidential	12'
Ⓓ	Upper story height (min)	9'
Ground Floor Elevation		
Ⓔ	Ground floor elevation (min/max)	
	Residential	2'/4'
	Nonresidential	0'/2'

4. ACTIVATION



Transparency		
Ⓐ	Ground story, primary/side (min)	
	Residential	20%/20%
	Nonresidential	60%/30%
Ⓑ	Upper story (min)	20%
Ⓒ	Blank wall area, primary/side (max)	
	Residential	30'/30'
	Nonresidential	15'/30'
Pedestrian Access		
Ⓓ	Entrance facing primary street	Required
Ⓔ	Entrance spacing along primary street (max)	50'
Building Elements Allowed		
	Residential: awning/canopy, balcony, front porch, stoop	
	Nonresidential: awning/canopy, balcony, gallery, forecourt, courtyard	

This section establishes the uses allowed. A lot or building must be occupied with only the uses allowed in this section. Any one or more allowed uses may be established on a lot, subject to the requirements of this section, and in compliance with all applicable requirements of this Haywood Road Form District.

A. Principal Uses

1. Allowed principal uses by sub-district are shown in the permitted use table in Sec. 3.2.
2. Any use not listed is not allowed unless the Planning and Development Director determines that the use is similar to a listed use. Prohibited uses found in the Table of Uses in 7-8-1d of this chapter also apply to the Haywood Road Form District.
3. When determining whether a proposed use is similar to a listed use, the Planning and Development Director will consider the following:
    a. The actual or projected characteristics of the proposed use.
    b. The relative amount of site area or floor area and equipment devoted to the proposed use.
    c. Relative amounts of sales.
    d. The customer type.
    e. The relative number of employees.
    f. Hours of operation.
    g. Building and site arrangement.
    h. Types of vehicles used and their parking requirements.
    i. The number of vehicle trips generated.
    j. How the proposed use is advertised.
    k. The likely impact on surrounding properties.
    l. Whether the activity is likely to be found independent of the other activities on the site.
4. Where a use is determined not to be similar to any listed use, a text amendment is required prior to establishment of that use.

B. Accessory Uses

1. Accessory uses and structures are permitted in conjunction with an allowed principal use. Accessory uses and structures must be accessory and clearly and customarily incidental and subordinate to a permitted principal use or structure.
2. No accessory use or structure may be established prior to the establishment of a permitted principal use or structure.
3. All accessory structures must meet the requirements of Sec. 2.0.
4. The Planning and Development Director is authorized to determine when a use or structure is accessory. In order to classify a use or structure as accessory, the Planning and Development Director must determine that the use or structure:
    a. Is subordinate to the principal use in terms of area, extent and purpose;
    b. Contributes to the comfort, convenience or necessity of occupants of the principal use or structure served;
    c. Is located on the same lot as the principal use or structure, or on a contiguous lot in the same ownership;
    d. Does not involve operations not in keeping with the character of the principal use or structure served; and
    e. Is not of a nature likely to attract visitors in larger numbers than would normally be expected for the principal use or structure.

	Core HR-1	Expansion HR-2	Corridor HR-3	Traditional HR-4	Live-Work HR-5	Town HR-6	Special Standards
Residential							
Dwelling, single family detached	--	--	P	--	P		
Dwelling, townhouse	--	P	P	P	P	P	
Dwelling, multifamily	--	P	P	P	P	P	
Dwelling, upper-story	P	P	P	P	P	P	
Assisted living facility	--	P	P	P	--	P	
Dormitory	--	P	P	P	--	P	
Group home	--	P	P	P	--	P	
Public and Institutional							
Civic, social service or fraternal organizations	--	P	P	P	--	P	
College, university, vocational or technical school	--	P	P	P	--	P	
Community center	--	P	P	P	P	P	
Day-care center, adult or child	P	P	P	P	--	P	
Fire or police station	P	P	P	P	P	P	
Government building and use	P	P	P	P	--	P	
Library, museum	P	P	P	P	--	P	
Park, playground, greenway	P	P	P	P	P	P	
Performance center	P	P	P	P	--	P	
Place of worship	P	P	P	P	P	P	
Post office without distribution facility	P	P	P	P	--	P	
Public utility and related facility	P	P	P	P	P	P	
School	P	P	P	P	P	P	
Food, Beverage and Entertainment							
Eating/drinking establishment	P	P	P	P	--	P	
Eating/drinking establishment with drive-through	--	--	--	--	--	S	Sec. 3.3.A
Microbrewery	P	P	P	P	--	P	
Movie theater	P	P	P	P	--	P	
Nightclub	P	P	P	P	--	P	
Recreational uses, commercial indoor	P	P	P	P	--	P	

KEY: P = Permitted Use S= Permitted Use Subject to Special Standards C = Conditional Use -- = Use Not Permitted

	Core HR-1	Expansion HR-2	Corridor HR-3	Traditional HR-4	Live-Work HR-5	Town HR-6	Special Standards
Lodging							
Bed and breakfast inn	--	P	P	P	S	P	§ 7-16-1(c)(10)
Boarding house	--	P	P	P	--	P	
Homestay	--	P	P	P	S	P	§ 7-16-1(c)(9)
Lodging facility	P	P	P	P	--	P	
Retail, Service and Office							
Art gallery	P	P	P	P	S	P	Sec. 3.3.B
Barber shop or beauty salon	P	P	P	P	S	P	Sec. 3.3.B
Business incubator	P	P	P	P	S	P	Sec. 3.3.B
Clinic, medical	P	P	P	P	--	P	
Clinic, veterinary	P	P	P	P	--	P	
Farm products market, flea market	P	P	P	P	--	P	
Financial Institution	P	P	P	P	--	P	
Financial Institution with drive-through	--	--	S	--	--	S	Sec. 3.3.A
Funeral establishment	S	S	S	S	--	S	§ 7-16-1(c)(33)
Gasoline sales	--	--	C	--	--	C	
Grocery store	P	P	P	P	--	P	
Hardware, garden supply store	P	P	P	P	--	P	
Health or fitness facility	P	P	P	P	--	P	
Hospital or medical center	--	P	P	P	--	P	
Instructional services	P	P	P	P	--	P	
Laundry or dry cleaning	P	P	P	P	--	P	
Laundry or dry cleaning with drive-through	--	--	--	--	--	P	Sec. 3.3.A
Motor vehicle or boat service and repair	--	P	P	P	--	--	
Motor vehicle service facility	--	P	P	P	--	P	
Office	P	P	P	P	S	P	Sec. 3.3.B
Pharmacy	P	P	P	P	--	P	
Pharmacy with drive-through	--	--	S	--	--	S	Sec. 3.3.A
Plant sales, nursery, greenhouse	P	P	P	P	--	P	
Print and publishing	P	P	P	P	S	P	Sec. 3.3.B
Research & technology production uses	P	P	P	P	--	P	
Retail sales	P	P	P	P	S	P	Sec. 3.3.B

KEY: P = Permitted Use S= Permitted Use Subject to Special Standards C = Conditional Use -- = Use Not Permitted

	Core HR-1	Expansion HR-2	Corridor HR-3	Traditional HR-4	Live-Work HR-5	Town HR-6	Special Standards
Small engine service and repair	--	P	P	P	--	--	
Studio, gallery or workshop for arts and crafts, low impact	P	P	P	P	S	P	Sec. 3.3.B
Studio, gallery or workshop for arts and crafts, high impact	P	P	P	P	--	P	
Tailor or dressmaker	P	P	P	P	--	P	
Tattoo parlor	P	P	P	P	--	P	
Other Use Types							
Agriculture	S	S	S	S	S	S	§ 7-16-1(c)(4.1)
Light industrial	P	P	P	P	--	P	
Live work units	S	S	S	S	S	S	Sec. 3.3.B
Parking deck, garage, structure	S	S	S	S	S	S	Sec. 3.3.C
Telecommunication tower	C	C	C	C	C	C	
Telecommunication tower/support structure concealed	C	C	C	C	C	C	
Wireless telecommunication facility, microcell	S	S	S	S	S	S	§ 7-16-1(c)(75)
Wireless telecommunication facility, co-location	S	S	S	S	S	S	§ 7-16-1(c)(77)
Wireless telecommunication facility, (concealed)	S	S	S	S	S	S	§ 7-16-1(c)(76)

KEY: P = Permitted Use S= Permitted Use Subject to Special Standards C = Conditional Use -- = Use Not Permitted

A. Drive-Through Facility

1. Adequate space must be made available on-site for the stacking, storage and queuing of vehicles.
2. Vehicles using drive-through facilities may not encroach on or interfere with the public use of streets and sidewalks by vehicles or pedestrians.
3. All drive-through areas, including but not limited to menu boards, stacking lanes, trash receptacles, ordering box, drive up windows, and other objects associated with the drive-through area, must be located to the side or rear of the building. Drive-through windows and lanes may not be placed between the street and the associated building.
4. A restaurant with a drive-through must provide at least 4 queuing spaces, measured from the first pick-up window.
5. A bank or pharmacy with a drive-through must provide at least 3 queuing spaces per drive-through lane, measured from the teller box or window.
6. All other uses determined by the City Traffic Engineer.

B. Live-Work

1. In a mixed-use building containing live-work units, at a minimum, the ground floor primary street-facing facade must be activated with permitted commercial uses. This does not preclude other commercial spaces being included in additional locations in the building.
2. The live-work unit cannot exceed 1,500 square feet in gross floor area.

C. Parking Structures

1. Parking structures must meet all the requirements for a principal structure as specified in Sec. 2.0. In no case can structured parking exceed the height of the principal building on the site.
2. The ground story of a structured parking garage facing Haywood Road or Patton Avenue must have active uses (such as, but not limited to, residential, commercial, office or civic space, where permitted) located between the parking structure and the street (not including an alley).
3. Where upper stories of structured parking are at the perimeter of a building, they must be screened so that cars are not visible from ground level view from adjacent property or adjacent public street right-of-way (not including an alley).
4. Architectural and vegetative screens must be used to articulate the facade, hide parked vehicles and shield lighting. In addition, any ground floor facade treatment (building materials, windows, and architectural detailing) must be continued on upper stories.
5. Parking structure entries must not exceed 16 feet clear height and 25 feet clear width.

A. Applicability

The parking requirements of § 7-11-2 apply in the Haywood Road Form District, except the sections identified below:

1. § 7-11-2(c). Off-Street Parking Requirements;
2. § 7-11-2(d), Off-Street Loading Requirements; and
3. § 7-11-2(e)(2), Remote Parking.

B. Required Parking

The following minimum vehicle and bicycle parking spaces are required.

Use	Vehicle Parking Spaces (min)			Bicycle Parking (min)	
	HR-1: Core HR-2: Expansion	HR-3 Corridor HR-4: Traditional HR-6: Town	HR-5: Live-Work	Spaces	Short-term/ Long term
Existing Building					
Eating/drinking establishment, microbrewery, nightclub	1 per 250 sf	same as new building	same as new building	same as new building	same as new building
All other uses	none	same as new building	same as new building	same as new building	same as new building
New Building or Addition					
Dwelling, multifamily or upper-story	1 per unit (upper story only)	1 per unit	1 per unit	.5 per unit up to 2 bedrooms plus .25 per additional bedroom	80%/20%
All other residential uses	1 per unit	1 per unit	1 per unit	none	--
Park, playground, greenway, fire or police station, public utility or related facility	none	none	none	none	--
Place of worship	greater of 1 per 4 seats or 1 per 40 sf	greater of 1 per 4 seats or 1 per 40 sf	greater of 1 per 4 seats or 1 per 40 sf	1 per 5,000 sf 2 min	90%/10%
All other public and institutional uses	1 per 500 sf	1 per 500 sf	1 per 500 sf	1 per 5,000 sf 2 min	90%/10%
All food, beverage and entertainment uses	1 per 250 sf	1 per 250 sf	--	1 per 2,500 sf 2 min	80%/20%
All lodging uses	1 per guest room	1 per guest room	1 per guest room	1 per 2,500 SF 2 min	80%/20%
Health and fitness facility	1 per 250 sf	1 per 250 sf	1 per 250 sf	1/2,500 SF 2 min	80%/20%
All other retail, service and office uses	1 per 500 sf	1 per 500 sf	1 per 500 sf	1/2,500 SF 2 min	80%/20%
All other uses types	none	none	none	none	--

C. Location of Required Vehicle Parking

Required vehicle parking must be located on the same lot as the use they are intended to serve, except as listed below.

1. On-Street Parking

   See § 7-11-2.(f).

2. Remote Parking

   a. All required parking spaces, except required accessible spaces, can be located off-site if the remote parking area is located within 660 feet from the primary entrance of the use served.

   b. Up to 50% of the required parking spaces may be located more than 660 feet off-site, if the parking area is located within 1,320 feet from the primary entrance of the use served.

   c. Specifically designated parking spaces for employees may be located off-site up to 2,640 feet from the primary entrance of the use served.

   d. All remote parking spaces used to meet an on-site parking requirement must be located within the boundaries of the Haywood Road Corridor District.

   e. The off-site parking area is measured in walking distance from the nearest point of the remote parking area to the primary entrance of the use served.

   f. Any remote parking spaces must be guaranteed by a written agreement between the owner of the remote parking area and the owner of the use served by the remote parking area. Change of ownership of either parcel requires a renewal of the agreement.

D. Location of Required Bike Parking

1. General Requirements

   a. Bicycle parking spaces must be located on paved or pervious, dust-free surface with a slope no greater than 3%. Surfaces cannot be gravel, landscape stone, or wood chips.

   b. Bicycle parking spaces must be a minimum of 2 feet by 6 feet. There must be an access aisle a minimum of 5 feet in width.

   c. Each required bicycle parking space must be accessible without moving another bicycle and its placement must not result in a bicycle obstructing a required walkway.

   d. Up to 25% of bicycle parking may be structured parking, vertical parking or wall mount parking, provided there is a 5 foot access aisle for wall mount parking.

   e. All racks must accommodate cable locks and "U" locks and must permit the locking of the bicycle frame and one wheel to the rack and must support a bicycle in a stable position.

2. Short-Term Bicycle Parking

   Required short-term bicycle parking spaces must be located in a convenient and visible area at least as close as the closest non-accessible vehicle parking and within 100 feet.

3. Long-Term Bicycle Parking

   a. Required long-term bicycle parking spaces must be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather and must be accessible to intended users.

b. Required long-term bicycle parking for residential uses can not be located within dwelling units or within deck, patio areas, or private storage areas accessory to dwelling units.

c. With permission of the Planning and Development Director, long-term bicycle parking spaces for nonresidential uses may be located off-site within 300 feet of the site.

d. The off-site parking area is measured in walking distance from the nearest point of the remote parking area to the closest primary entrance of the use served.

E. Required Vehicle Loading

1. General Provisions

a. Loading and unloading activities may not encroach on or interfere with the use of sidewalks, drive aisles, queuing areas and parking areas by vehicles or pedestrians.

b. With the exception of areas specifically designated by the City, loading and unloading activities are not permitted in the public right-of-way.

c. If determined necessary by the Planning and Development Director, adequate space must be made available on-site for the unloading and loading of goods, materials, items or stock for delivery and shipping.

2. Location

If a loading area is required or provided, it must meet the following.

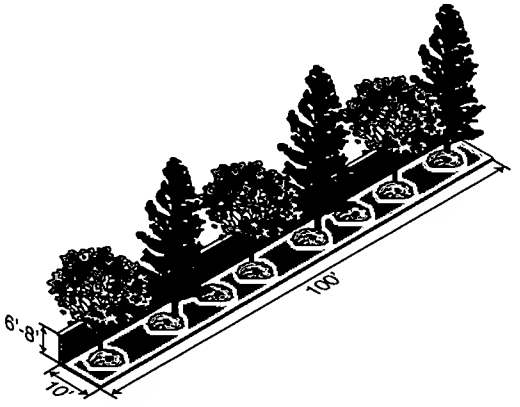
a. The loading area must be located on the same lot occupied by the use served and must be accessible from a public street or alley.

b. The loading area must be located to the side or rear of buildings. Loading areas may not be placed between the street and the associated building.

A. Applicability

The landscape and buffering requirements of § 7-11-3 apply in the Haywood Road Form District, except as identified below:

1. The Haywood Road Form District is exempt from § 7-11-3(d)(5), Building Impact Landscaping and § 7-11-3(d)(7), Tree Save Areas.
2. Any Haywood Road Form District may modify the street buffer requirement of § 7-11-3(d)(5) by placing a wall at a minimum height of 3 feet in place of the required shrubs.
3. When abutting a RS or RM district, the property line buffer requirements of §7-11-3(d)(1) for a Type A Bufferyard apply, except that when a wall is used (as described below), the bufferyard may be provided as follows:



a. Depth: 10 feet min
b. Wall Height: 6 feet min / 8 feet max
c. Evergreen Trees: 3
d. Deciduous Trees (large): 3
e. Shrubs (large): 8

B. Grading

1. Speculative grading of land is not permitted within the Haywood Road Form District. No grading or removal of vegetation is permitted prior to approval of a site development plan.
2. Natural slopes in excess of 45 degrees must not be graded, and existing vegetation must not be removed.

A. Applicability

The sign requirements of Article XIII apply in the Haywood Road Form District, except as identified below:

1. § 7-13-4(a)(8)(a). See Sec. 4.3.H for temporary and permanent window sign requirements.
2. A-frame signs are permitted as temporary signs, provided they comply with the requirements of § 7-13-4(a)(8)(c).

B. Sign Types Allowed by District

Signs are allowed by sub-district as set forth below. Specific requirements for each sign are shown on the following pages.

	Core HR-1	Expansion HR-2	Corridor HR-3	Traditional HR-4	Live-Work HR-5	Town HR-6
Wall Sign	P	P	P	P	P	P
Awning Sign	P	P	P	P	P	P
Canopy Sign	P	P	P	P	P	P
Projecting Sign	P	P	P	P	P	P
Window Sign	P	P	P	P	P	P
Post Sign	--	P	P	P	--	P
Monument Sign	--	--	--	--	--	P*

KEY: P = Sign type allowed -- = Sign type not allowed * = Allowed on sites with street frontage on Patton Ave

C. Number of Signs Allowed

1. Wall Signs, Awning Signs, Canopy Signs

A maximum of two signs on a primary street (any combination of wall signs, awning signs or canopy signs) are allowed per tenant space. One additional sign is allowed on a side street.

2. Projecting Signs

A maximum of one projecting sign is allowed per tenant space.

3. Window Signs

The number of window signs is unlimited, provided the maximum percentage of all temporary and permanent signs covering ground story windows and doors is not exceeded.

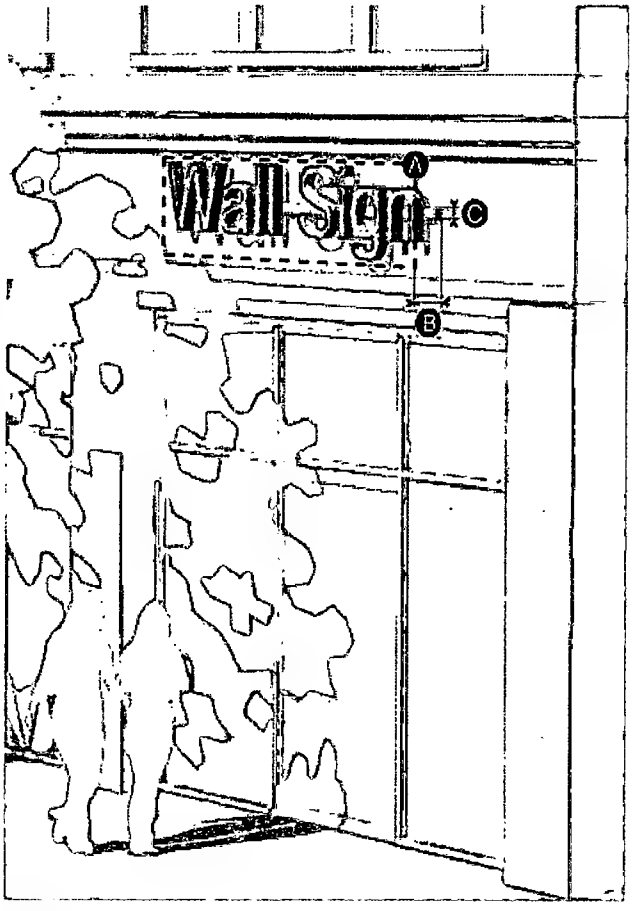
4. Post Sign, Monument Sign

a. Where allowed, only one post sign or monument sign is allowed per street frontage, provided all signs are conforming.

b. One additional post sign or monument sign is allowed for properties with 1,000 feet or more of street frontage. Where more than one post sign or monument sign is allowed, signs along the same street frontage must be spaced a minimum of 500 feet apart.

c. Where a post sign is installed, only one wall, awning or canopy sign is allowed per tenant space.

D. Wall Sign



Description

A sign applied to or attached to the wall or surface of a building or structure, the display surface of which does not project more than 1 foot from the outside wall of the building or structure.

General Provisions

1. A wall sign must be placed no higher than 18 feet above the sidewalk.
2. No portion of a wall sign may extend above the roof line or above a parapet wall of a building with a flat roof.
3. A wall sign cannot cover windows or architectural details.
4. A wall sign can be externally or internally illuminated in accordance with Sec. 4.3.K.

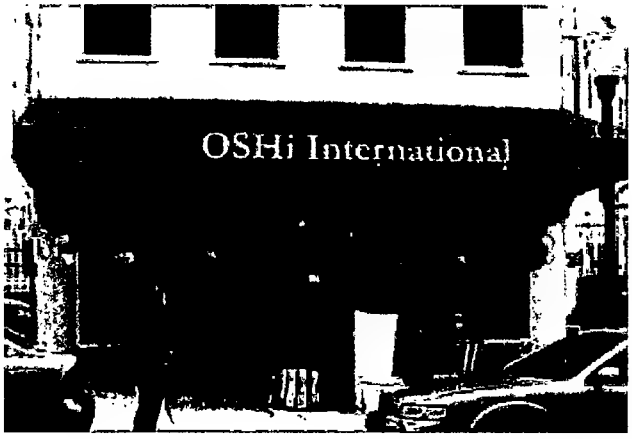
Dimensions

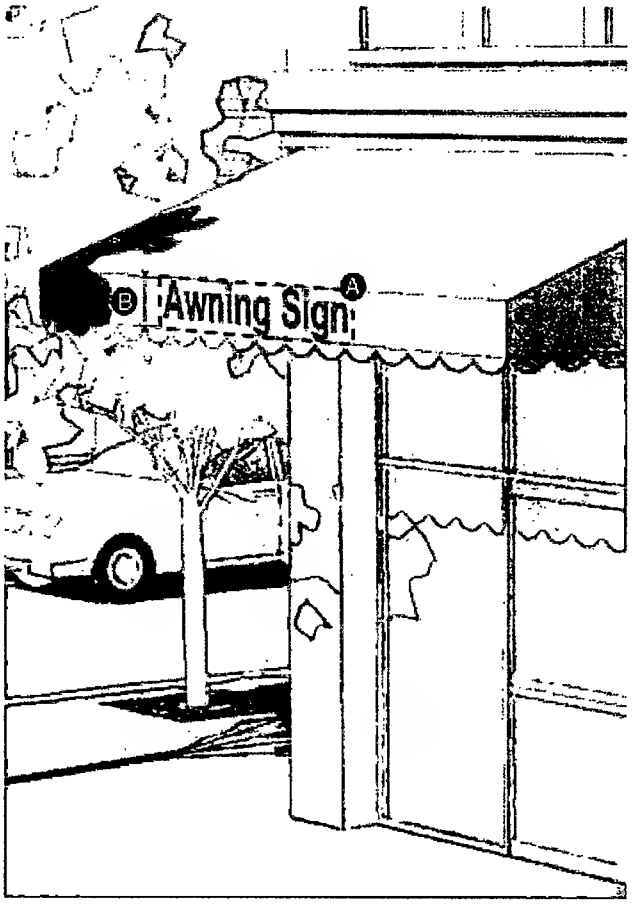
Ⓐ	Area (max)	
	HR-1, HR-2, HR-3, HR-4, HR-6	32 SF
	HR-5	9 SF
	HR-6 with Patton Ave frontage	50 SF
Ⓑ	Projection - measured from building facade (max)	1'
Ⓒ	Raceway (max % of letter height)	50%

Right-of-Way Encroachment

A wall sign may encroach over the public sidewalk but not over any public street or alley.

E. Awning Sign





Description

A sign where graphics or symbols are painted, sewn, or otherwise adhered to the awning valance material as an integrated part of the awning itself.

General Provisions

1. An awning sign cannot extend outside the awning.
2. Only awnings over ground story doors or windows may contain signs.
3. One sign is allowed per awning. A sign can be on either the front or side valance (but no on both).
4. Signs are not allowed on the sloping face of the awning.
5. An awning sign cannot be illuminated.

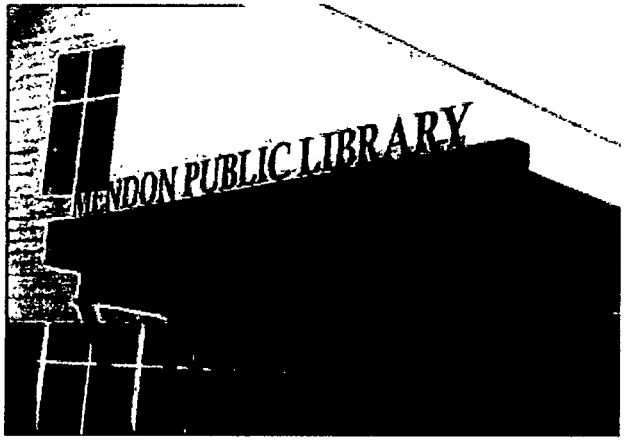
Dimensions

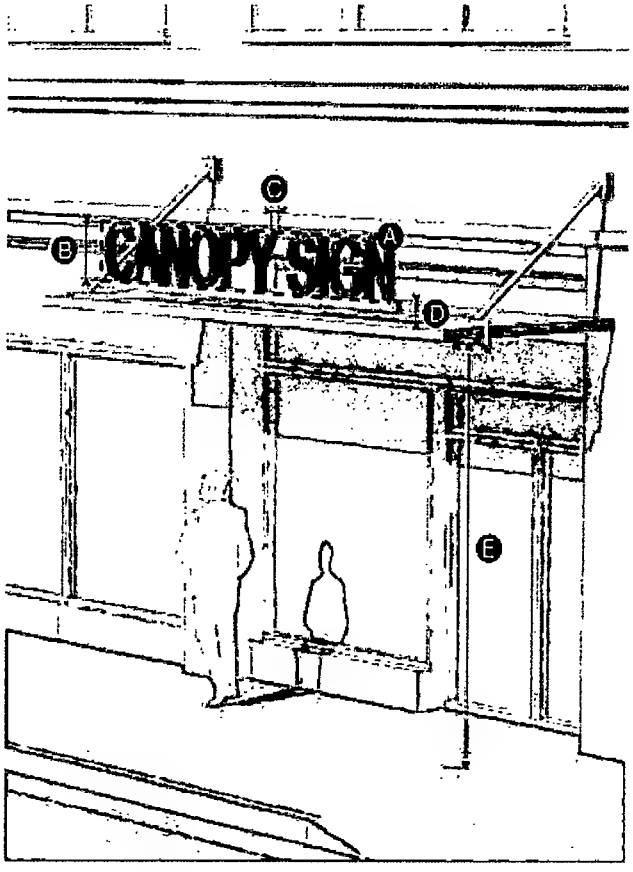
Ⓐ	Area (max)	
	HR-1, HR-2, HR-3, HR-4, HR-6	16 SF
	HR-5	9 SF
Ⓑ	Height (max)	
	HR-1, HR-2, HR-3, HR-4, HR-6	2'
	HR-5	1'

Right-of-Way Encroachment

An awning sign may encroach over the public sidewalk but not over any public street or alley. The sign must be a minimum of 2 feet inside the curb line or edge of pavement, whichever is greater.

F. Canopy Sign





Description

A sign attached to a canopy so that the display surface is parallel to the plane of the front building facade.

General Provisions

1. A canopy sign cannot extend outside the overall length or width of the canopy. However, a canopy sign may extend above or below the canopy.
2. A maximum of one sign is allowed per canopy.
3. Raceways are permitted for signs extending below or above the canopy. Otherwise, raceways are not permitted and the sign must be flush with the canopy face.
4. A canopy sign can be externally or internally illuminated in accordance with Sec. 4.3.K.

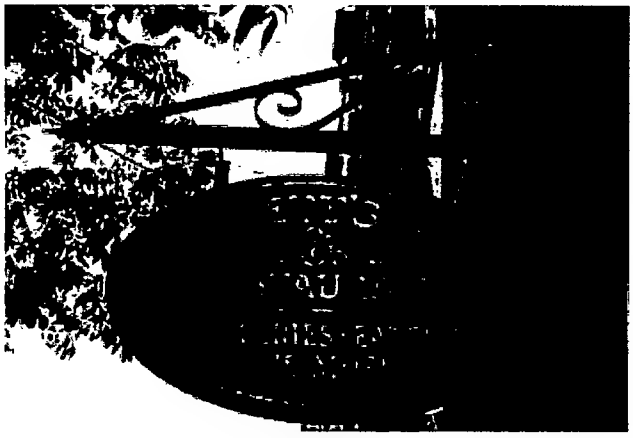
Dimensions

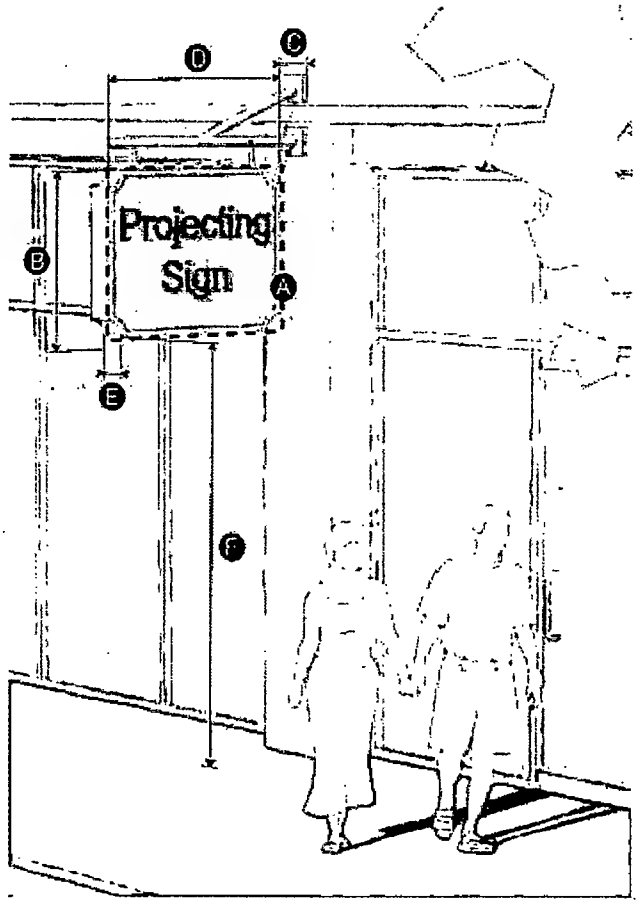
Ⓐ	Area (max)	
	HR-1, HR-2, HR-3, HR-4, HR-6	16 SF
	HR-5	9 SF
Ⓑ	Height (max)	
	HR-1, HR-2, HR-3, HR-4, HR-6	2'
	HR-5	1'
Ⓒ	Depth (max)	1'
Ⓓ	Raceway (max % of letter height)	50%
Ⓔ	Clear height above sidewalk (min)	9'
	Clear height above parking area or driveway (min)	14'

Right-of-Way Encroachment

A canopy sign may encroach over the public sidewalk but not over any public street or alley. The sign must be a minimum of 2 feet inside the curb line or edge of pavement, whichever is greater.

G. Projecting Sign





Description

A sign attached to the building facade at a 90-degree angle that hangs from a bracket or support extending more than 1 foot from the outside wall of the building or structure.

General Provisions

1. The hanging bracket must be an integral part of the sign design.
2. A projecting sign must be located below the window sills of the second story on a multi-story building or below the roof line on a single-story building.
3. A projecting sign can only be externally illuminated in accordance with Sec. 4.3.K.

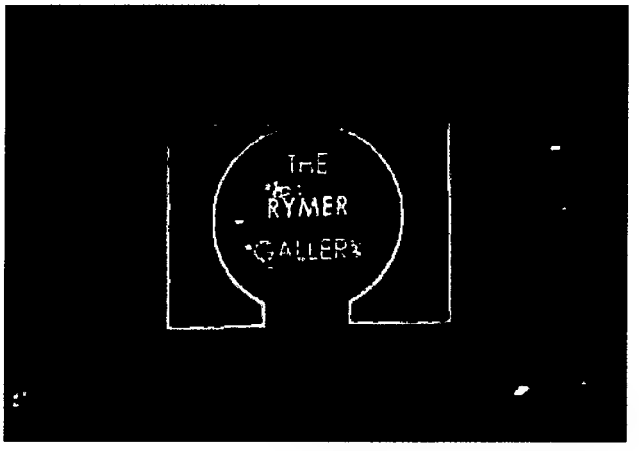
Dimensions

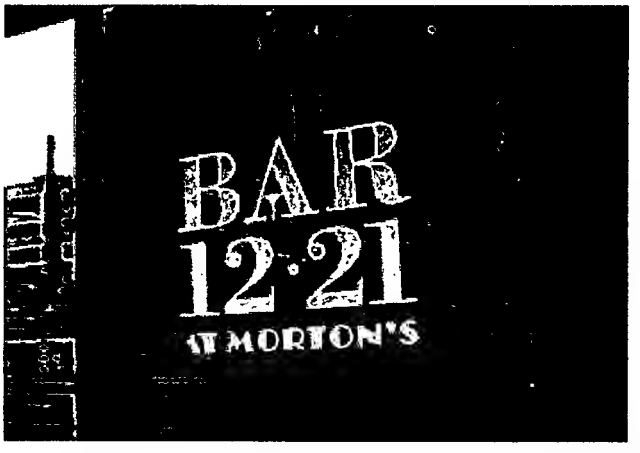
Ⓐ	Area (max)	9 SF
Ⓑ	Height (max)	3'
Ⓒ	Spacing from building facade (min/max)	6"/12"
Ⓓ	Projection width (max)	3.5'
Ⓔ	Depth (max)	6"
Ⓕ	Clear height above sidewalk (min)	9'
	Clear height above parking area or driveway (min)	14'

Right-of-Way Encroachment

A projecting sign may encroach over the public sidewalk but not over any public street or alley. The sign must be a minimum of 2 feet inside the curb line or edge of pavement, whichever is greater.

H. Window Sign



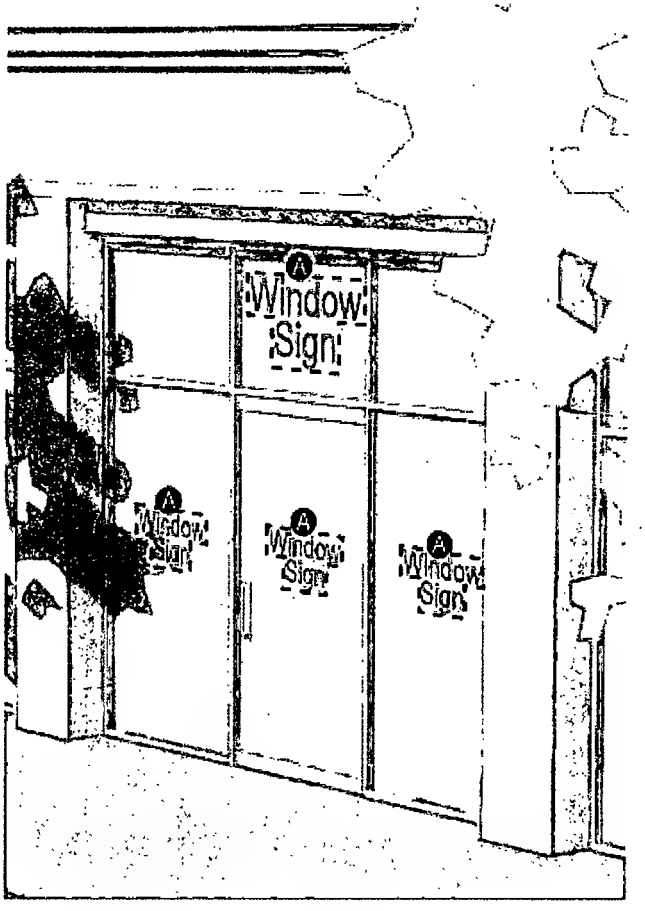


Description

A sign affixed to the inside of a window or door, or a sign placed within a building so as to be plainly visible and legible through a window or door.

General Provisions

1. Windows signs are only allowed on ground story windows and doors.
2. A window sign cannot be illuminated.



Dimensions

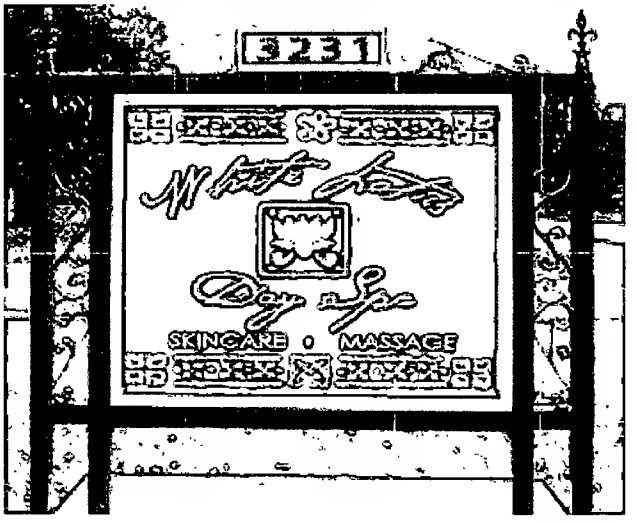
Ⓐ	Maximum area of all ground story windows and doors covered by signs	20%

The maximum 20% coverage applies to both temporary and permanent signs, unless temporary signs placed in a window or door meet the requirements of § 7-13-4(a)(8)(b.)

Right-of-Way Encroachment

A window sign cannot encroach into the public right-of-way.

I. Post Sign

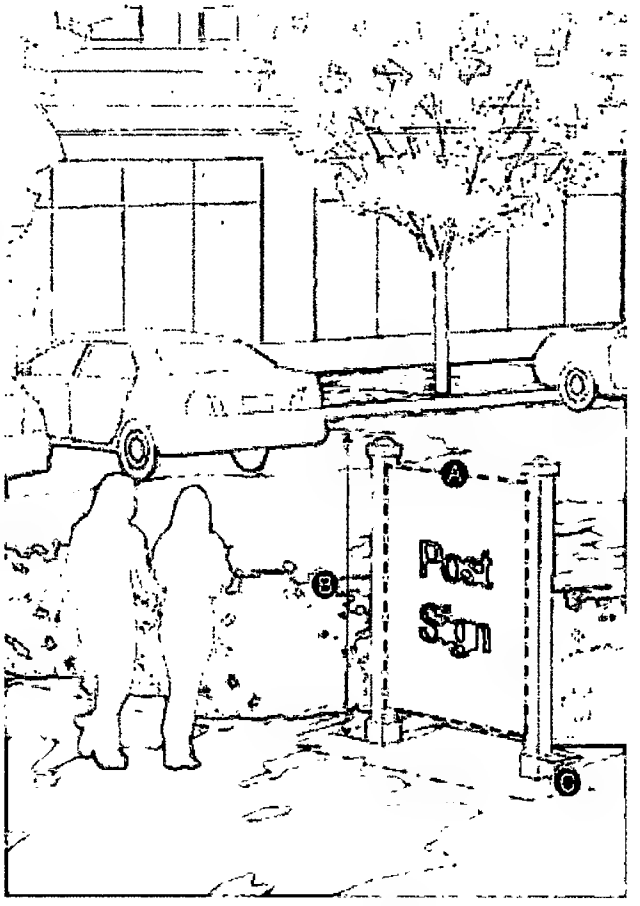


Description

A permanently affixed sign which is wholly independent of a building for support where the primary support is supplied by two posts positioned no more than 6 inches from the outer edge of the sign face.

General Provisions

1. A post sign must be set back at least 5 feet from the primary or side street lot line and 10 feet from a side interior lot line.
2. A post sign can only be externally illuminated in accordance with Sec. 4.3.K.
3. An existing post sign may replace the sign face, provided the maximum sign area requirements of this section are met.



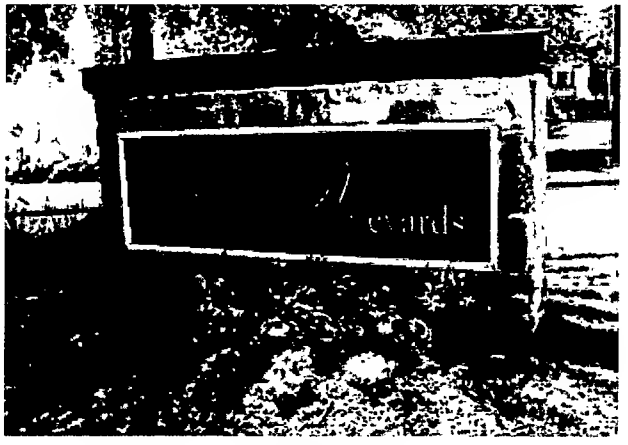
Dimensions

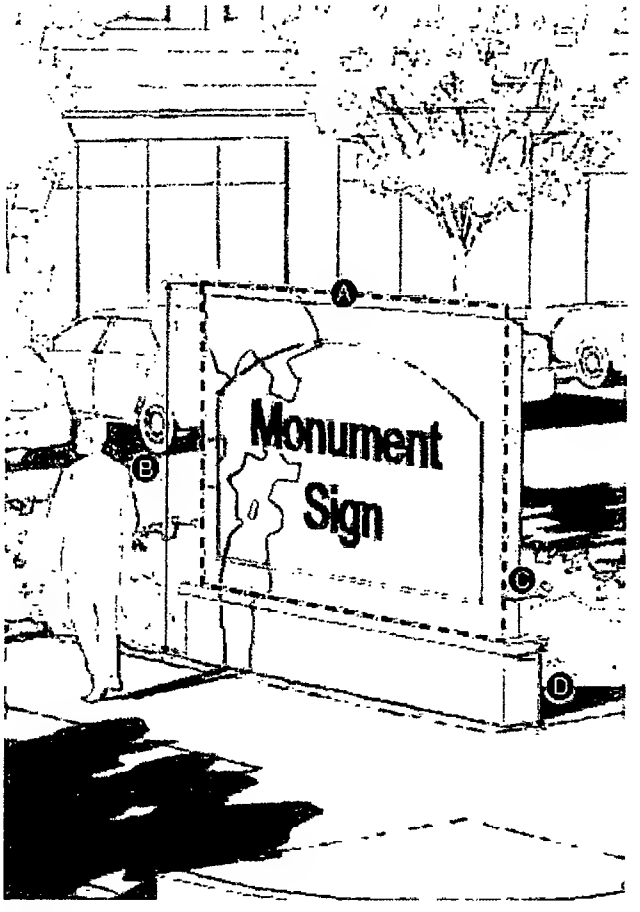
Ⓐ	Area (max)	25 SF
Ⓑ	Height (max)	12'
Ⓒ	Depth (max)	1'

Right-of-Way Encroachment

A post sign cannot encroach into the public right-of-way.

J. Monument Sign





Description

A permanently affixed sign which is wholly independent of a building for support attached to the ground along its entire length.

General Provisions

1. A monument sign must be set back at least 5 feet from the primary or side street lot line and 10 feet from a side interior lot line.
2. A monument sign can be externally or internally illuminated in accordance with Sec. 4.3.K.

Dimensions

Ⓐ	Sign area (max per sign)	64 SF
Ⓑ	Height (max)	10'
Ⓒ	Depth (max)	2'
Ⓓ	Sign base height (min/max)	2'/4'

Right-of-Way Encroachment

A monument sign cannot encroach into the public right-of-way.

K. Illumination

Illumination of signs must be in accordance with the following requirements.

1. Illumination Permitted by Sign Type

	Internal	External
Wall Sign	Yes	Yes
Awning Sign	No	No
Canopy Sign	Yes	Yes
Projecting Sign	No	Yes
Window Sign	No	No
Post Sign	No	Yes
Monument Sign	Yes	Yes

2. Prohibited Light Sources

   a. Blinking, flashing and chasing.

   b. Bare bulb illumination.

   c. Colored lights used in any manner so as to be confused with or construed as traffic control devices.

   d. Direct reflected light that creates a hazard to operators of motor vehicles.

   e. Lights that outline property lines, sales areas, roof lines, doors, windows or similar area are prohibited, except for seasonal lighting or very low luminosity lighting displays using multiple lamps.

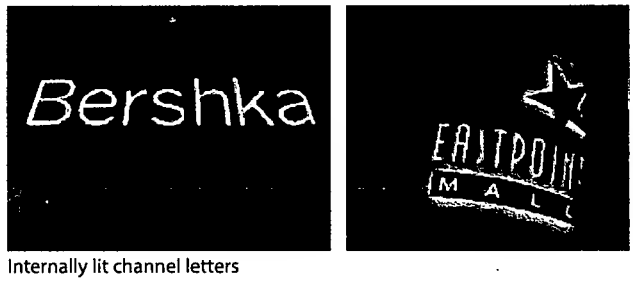
3. External Illumination

   a. Lighting directed toward a sign must be shielded so that it illuminates only the face of the sign and does not shine directly onto public right-of-way or adjacent properties.

   b. Lighting fixtures must be directed downward rather than upward.

   c. Projecting light fixtures used for externally illuminated signs must be simple and unobtrusive in appearance and not obscure the sign.

External light sources



Internally lit channel letters

Back lit channel letters

Internally lit cabinet signs with darker background

4. Internal Illumination

   a. Channel letters may be internally lit or back-lit.

   b. For cabinet signs, the background must be opaque or a darker color than the message of the sign.

   c. Exposed neon may be used for lettering or as an accent.

5. Raceways and Transformers

   a. If a raceway is necessary, it cannot extend in width or height beyond the area of the sign.

   b. A raceway must be finished to match the background wall or canopy, or integrated into the overall design of the sign.

   c. Visible transformers are not allowed.

A. Applicability

The requirements of this section apply where merchandise, material or equipment is stored outside of a completely enclosed building.

B. Outdoor Display

1. Defined

a. The outdoor display of products actively available for sale. The outdoor placement of propane gas storage racks, ice storage bins, soft drink, video rentals or similar vending machines is considered outdoor display.

b. Outdoor display does not include merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers (see limited outdoor storage).

2. Standards

a. Outdoor display is only allowed with a permitted ground floor nonresidential use.

b. Outdoor display must abut the primary facade with the principal customer entrance, and may not extend more than 6 feet from the facade or occupy more than 25% of the horizontal length of the facade.

c. Outdoor display cannot exceed 6 feet in height.

d. Outdoor display must be removed and placed inside a fully-enclosed building at the end of each business day, except propane gas storage racks, ice storage bins, soft drink, video rentals or similar vending machines may remain outside overnight.

e. Outdoor display may not encroach upon any public right-of-way or sidewalk. Outdoor display may not impair the ability of pedestrians to use the sidewalk. There must be a minimum of 6 feet of clear distance of sidewalk at all times.

C. Outdoor Storage

1. Defined

a. Outdoor storage is the overnight storage of products or materials outside of a building.

b. Outdoor storage includes merchandise or material in boxes, in crates, on pallets or in shipping containers, the overnight outdoor storage of vehicles awaiting repair, RV's and boats, garden supplies, building supplies, plants, fleet vehicles and other similar merchandise, material, vehicles, or equipment.

2. Standards

a. Outdoor storage is not permitted except with Planning and Zoning Commission approval.

b. The Planning and Zoning Commission will determine where outdoor storage may be allowed on the site, and its extent (vertically and horizontally) must be shown on an approved site plan.

A. UDO Administrative Procedures Apply

The administrative procedures of the City's Unified Development Ordinance (Chapter 7 of the Municipal Code) apply to this form-based code, except as expressly modified below.

B. Pre-Application Conference Required

A pre-application conference with the City's Planning and Development staff is required prior to any application for approval under this Form-Based Code.

A. General Meaning of Words and Terms

1. All words and terms used have their commonly accepted and ordinary meaning unless they are specifically defined in this Haywood Road Form District or the context in which they are used clearly indicates to the contrary.

2. When vagueness or ambiguity is found to exist as to the meaning of any word or term used, any appropriate canon, maxim, principle or other technical rule of interpretations or construction used by the Courts of this State may be employed to resolve vagueness and ambiguity in language.

3. Terms defined for the purpose of the Haywood Road Form District may be found in 7-2-5.

230

ORDINANCE NO. 4343

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 23 day of September 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Use of Federal HIDTA 2013 funds for investigative special purposes for the Asheville HIDTA task force.

Magdalen Burleson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2014-15

3. Amendment to Operating ___ and/or Capital Project _X_ appropriation.

Police | | |
4. Requesting Department | 5. Today's Date | 6. Department Head Signature

7. Comments/Purpose: To establish budget for HIDTA 2013

8. Organization #	Object Code	Project #	9. Beginning Budget	10. Account Summary Bal	11. New Budget	12. Increase or Decrease By
ESTABLISH PROJECT BUDGET:						
22000121	435000	P1308	0.00	$0.00	$20,000.00	$20,000.00
Restricted Intergov Revenue - Federal Grant						
2200121	528304	P1308	0.00	$0.00	$20,000.00	$20,000.00
Police Special Purposes						

13. Balance of Transaction:

232

ORDINANCE NO. 4344

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 23 day of September 2014.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Use of Federal HIDTA 2014 funds for investigative special purposes for the Asheville HIDTA task force.

Magdalen Bowleson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2014-15

3. Amendment to Operating ___ and/or Capital Project _X_ appropriation.

Police | | |
4. Requesting Department | 5. Today's Date | 6. Department Head Signature

7. Comments/Purpose: To establish budget for HIDTA 2014

8. Organization #	Object Code	Project #	9. Beginning Budget	10. Account Summary Bal	11. New Budget	12. Increase or Decrease By
ESTABLISH PROJECT BUDGET:						
22000121	435000	P1408	0.00	$0.00	$45,000.00	$45,000.00
Restricted Intergov Revenue - Federal Grant						
2200121	528304	P1408	0.00	$0.00	$45,000.00	$45,000.00
Police Special Purposes						

13. Balance of Transaction:

ORDINANCE NO. 4345

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 23rd day of September, 2014

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: NC Office of Justice Programs via the US Dept. of Justice: Ballistic Vest Partnership (BVP) Grant 2014

Magdalen Bulleson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2014-15

3. Amendment to Operating ___ and/or Capital Project _X_ appropriation.

Police
4. Requesting Department | 5. Today's Date | 6. Department Head Signature

7. Comments/Purpose: To establish budget for Ballistic Vest Grant revenue and local match

8. Organization #	Object Code	Project #	9. Beginning Budget	10. Account Summary Bal	11. New Budget	12. Increase or Decrease By
ESTABLISH PROJECT BUDGET:						
22000122	435000	P1407	0.00	$0.00	$23,778.51	$23,778.51
Restricted Intergov Revenue - Federal Grant						
22090122	498100	P1407	0.00	$0.00	$23,778.51	$23,778.51
Transfer from General Fund						
22000122	524003	P1407	0.00	$0.00	$47,557.02	$47,557.02
Supplies - Safety Equipment						
					$0.00	
REVISE GENERAL FUND BUDGET FOR LOCAL MATCH TRANSFER TO PROJECT :						
11090122	800220		40,098.00	$0.00	$63,876.51	$23,778.51
11000122	524003		135,000.00	$108,833.92	$158,778.51	($23,778.51)

236

ORDINANCE NO. 4346

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 23th day of September 2014.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Use of State Drug Seizure Funds to fund Urine Drug Screens/Lab Testing related to the Buncombe County DWI Treatment Court.

Magdalen Bulleson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date: 9/23/2014
2. Fiscal Year: 2014/15

3. Amendment to Operating ____ and/or Capital Project _x___ appropriation.

4. Requesting Department	5. Today's Date	6. Department Head Signature
Police	9/12/2014	

7. Comments/Purpose: State Forfeiture Funds P0912
Drug Screen/Lab Test for Buncombe County DWI Treatment Court

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
22000120-437105 P0912				
Other Loc Partic St Seizure	$ 424,603		$ 429,603	$ 5,000
22000120-524001 P0912				
Supplies - Other	$ 134,448		$ 139,448	$ 5,000

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:
16. Ordinance Number:
17. Date Received in Budget & Research:
18. Date Sent to City Clerk:
19. Date Posted:
By:
Sheet #:

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

238

ORDINANCE NO. 4347

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this September 23, 2014.

Magdalen Burleson
City Clerk

Edwin E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Budget amendment to establish funding for energy efficient lighting upgrades at two community centers

Magdalen Burleson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2014-15

3. Amendment to Operating _X___ and/or Capital Project ____ appropriation.

Sustainability	9/23/2014	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: to appropriate funding for energy efficient lighting at Shiloh and Stephens-Lee Community Centers

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Fund Bal Reserve				
11000010 499101	$4,540,487.97		$4,588,987.97	$48,500.00
Expenditures:				
Contracted Services				
11000016 521001	$20,118.03		$68,618.03	$48,500.00

240

ORDINANCE NO. 4348

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 23rd day of September, 2014.

Magdalen Bullock
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

PURPOSE: This Budget Amendment increases the North Fork Water Treatment Plant Dam Electrical Improvements Capital Project Budget to $366,136.00 for the construction contract with Smart Electric Company.

Magdalen Bullock
City Clerk

City of Asheville
Budget Amendment

1. Effective Date: 9/23/2014
2. Fiscal Year: 2014-15

3. Amendment to Operating __ and/or Capital Project _X_ appropriation.

4. Requesting Department	5. Today's Date	6. Department Head Signature
Water Resources	9/23/2014	

7. Comments/Purpose: Increase the infrastructure budget for the North Fork WTP Electrical Improvements Project for construction contract with Smart Electric Company per bids submitted on 9/4/14.

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
NF WTP Generator Transfer Switch				
Tr Wtr Op 14				
61100911 - 498618 - W1403	$0.00	$0.00	$216,436.00	$216,436
Mach Equip				
61100911 - 614101- W1403	$149,700.00	$149,700.00	$366,136.00	$216,436
Auto Meter Readers				
Tr Wtr Op 14				
61100911 - 498618 - W0817	$216,436.00	$216,436.00	$0.00	($216,436)
Mach Equip				
61100911 - 614101- W0817	$528,296.10	$68,685.53	$480,904.10	($47,392)
Construction				
61100911 - 616102 - W0817	$169,044.00	$169,044.00	$0.00	($169,044)
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

242.

ORDINANCE NO. 4349

ORDINANCE AMENDING CHAPTER 6 - FIRE PREVENTION AND PROTECTION-OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO ADD A SECTION CONCERNING THIRD PARTY FIRE PROTECTION AND CONTROL, INSPECTION, TESTING AND MAINTENANCE REPORTING

WHEREAS, in order to preserve and protect the public health and safety pursuant to authority granted by N.C.G.S. §160A-424, the City of Asheville assumes inspection duties as provided in N.C.G.S. §160A-411, the City may require periodic inspection schedules for the purpose of identifying activities and conditions in buildings and structures that pose dangers of fire, explosion or related hazards; and

WHEREAS, pursuant to Section 104.1 of the North Carolina Fire Prevention Code, the fire code official is authorized to enforce the provisions of said code; and

WHEREAS, pursuant to Section 106.2 of the North Carolina Fire Prevention Code, the fire code official is authorized to conduct such inspections as are deemed necessary to determine the extent of compliance with the provision of said code and to approve reports of inspection by approved agencies or individuals and the fire code official is authorized to engage such expert opinion as deemed necessary to report upon unusual, detailed, or complex technical issues and

WHEREAS, pursuant to Section 107.2.1 of the North Carolina Fire Prevention Code, the fire code official is authorized make all required tests and inspection records available at all times, and

WHEREAS, the City has adopted the provisions of the North Carolina Fire Prevention Code, current edition, adopted by the North Carolina Building Code Council and made the same applicable as the Fire Prevention Ordinance of the city in Section 6-1 of the Asheville Code of Ordinances and has made certain amendments to the Fire Prevention Ordinance in Section 6-2 of the city of the Asheville Code of Ordinances; and

WHEREAS, pursuant to the City's authority under N.C.G.S. §§160A-4, 160A-20.1, 160A-174, 160A-175, and 160A-177, the City Council of the City of Asheville desires to amend the Fire Prevention Ordinance to require all inspection reports to be provided through a third party inspection reporting system, Brycer LLC; and

WHEREAS, the City Council Public Safety Committee recommended approval of this action at their August 25, 2014, meeting;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

SECTION 1: A new Section 6-3 of Chapter 6, Fire Prevention and Protection; is hereby created to read as follows:

Sec. 6-3 Third Party Inspection Reporting System.

Records of all required monthly, quarterly, and annual system inspections, tests, and maintenance, as required by section 604.6, 901.6, 904.11, 909.20 and their respective referenced National Fire Protection Association standards shall be provided to the City of

Asheville through an approved third party inspection reporting system and reporting parties shall pay any fees associated with that service to the City's third party service provider.

Section 2. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 4. That this ordinance shall be enforced as provided in City Code Sec. 1.5.

Section 5. That this ordinance, and rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect on 9-23, 2014, or after its final passage and adoption by the Asheville City Council.

Read, approved and adopted this 23rd day of September, 2014.

Magdalen Burleson
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

244

ORDINANCE NO. 4350

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 23rd day of September, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Pepsi-Cola Venue Sponsorship Agrmt

Magdalen Burleson
City Clerk

City of Asheville
Budget Amendment Details

1. Effective Date: 9/23/2014
2. Fiscal Year: 2014-15

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

US Cellular Center | 9/10/2014 | 6. Preparer's Name
4. Requesting Department | 5. Today's Date

7. Comments/Purpose: Beverage Contract and Sponsorship Agreement with Pepsi-Cola Bottling Company of Hickory, NC

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Sponsarships			$0	
62600904:483305	$0	$0	$65,000	$65,000
			$0	
Expenditures:			$0	
Materials			$0	
62600904:524101	$12,000	$11,047	$77,000	$65,000
			$0	
			$0	
			$0	
Revenue:			$0	
1			$0	
			$0	
			$0	
Expenditures:			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
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			$0	
			$0	
			$0	
			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:
By:
Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

246

ORDINANCE NO. 4351

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 23th day of September, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: US Dept. Of Justice,
Byrne JAG 2014– Local Solicitation

Magdalen Burleson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2014-15

3. Amendment to Operating ___ and/or Capital Project _X_ appropriation.

4. Requesting Department POLICE 5. Today's Date 9/23/2014 6. Department Head Signature

7. Comments/Purpose: To establish budget to receive and spend JAG 2014 Grant.

8. Organization #	Object Code	Project #	9. Beginning Budget	10. Account Summary Bal	11. New Budget	12. Increase or Decrease By
22000122	435000	P1406	0.00	$0.00	$56,677.00	$56,677.00
Restricted Intergov Revenue - Federal Grant						
22000122	524003	P1406	0.00	$0.00	$42,143.00	$42,143.00
Supplies - Safety Equipment						
22000122	527101	P1406	0.00	$0.00	$14,534.00	$14,534.00
Pass through awarded grants						
					$0.00	
					$0.00	
					$0.00	
					$0.00	
					$0.00	
					$0.00	
					$0.00	
					$0.00	
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					$0.00	
					$0.00	
					$0.00	
					$0.00	
					$0.00	

13. Balance of Transaction: $0.00

ORDINANCE NO. 4352

ORDINANCE AMENDING ZONING FOR PROPERTY(S) LOCATED AT 21 JEFFERSON DRIVE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City, and is determined to be reasonable and in the public interest for the following reasons:

a. The compatibility of uses and development standards would be improved compared to the existing zoning designation; and
b. The preservation of the established immediate neighborhood of residences would be encouraged.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

> The zoning classification of that certain real property(s) described in Exhibit A and identified on Buncombe County tax maps as that portion of PIN 9648-08-3733 currently zoned Institutional from INST (Institutional) to RM-8 (Residential Multi-Family Medium Density). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or

phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 6. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 23rd day of September, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

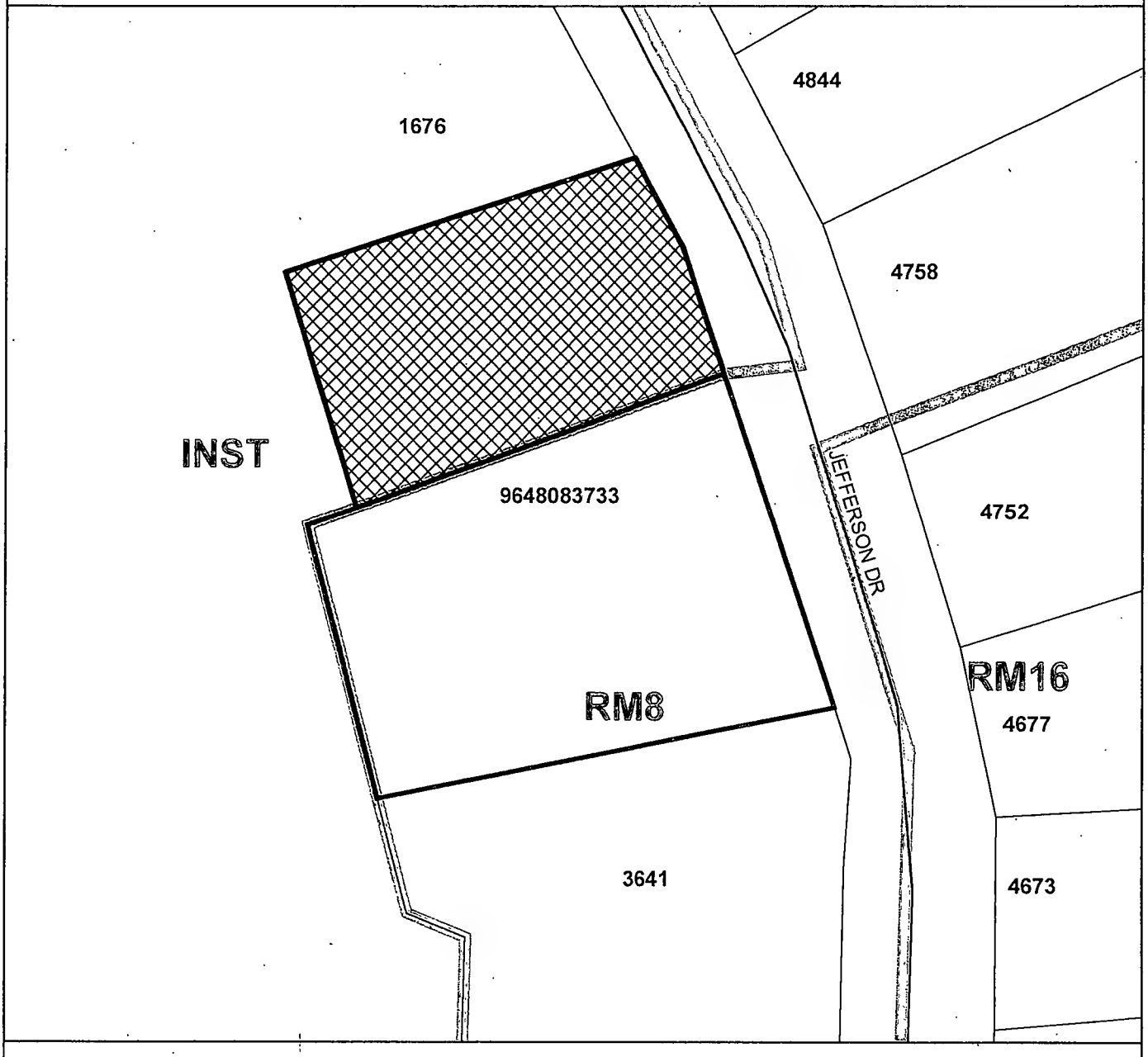
Magdalen Burleson
City Clerk

250

City of Asheville - Exhibit A Map
Rezoning Request

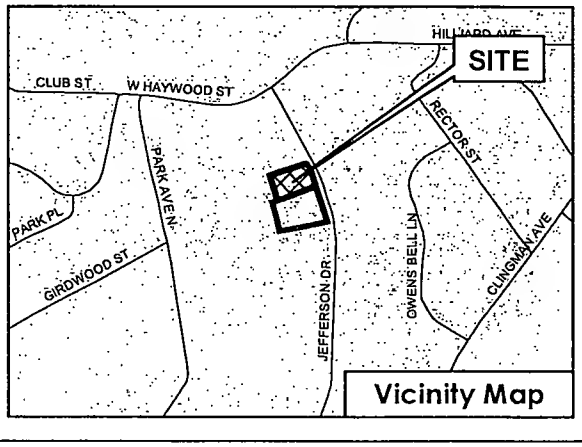
ASHEVILLE

N
W E
S



Project Name: Rezoning Request
Project Number: 14-09391PZ
Project Description: Rezone from INST to RM-8
Petitioner(s): Lee Lance
Parcel ID Number(s): a portion of 9648-08-3733

Location/Address: 21 Jefferson Drive



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Development Department - July 22, 2014

ORDINANCE NO. 4353

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 14th day of October, 2014.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

PURPOSE: This Budget Amendment transfers the $500,000 balance from the Pump Station Meters Project to increase the Meter/Vault Repairs Project Budget to $1,766,624 for the Vault Renewals and Zone Metering Construction Contract in the amount of $1,416,118 and to combine the two projects for future contracts.

Magdalen Burleson
City Clerk

252

City of Asheville
Budget Amendment

1. Effective Date: 10/14/2014
2. Fiscal Year: 2014-15

3. Amendment to Operating __ and/or Capital Project _X_ appropriation.

Water Resources	10/14/2014	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: Technical budget amendment to combine two capital projects into one for a contract with Cooper Construction Company for the Vault Renewals and Zone Metering project as approved by CC on 10/14/14.

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Meter/Vault Repair				
Tr Wtr Op 14				
61100911 - 498618 - W1008	$0.00	$0.00	$500,000.00	$500,000
Maint/Repair				
61100911 - 522001 - W1008	$1,000,000.00	$1,000,000.00	$1,500,000.00	$500,000
Pump Station Meters				
Tr Wtr Op 14				
61100911 - 498618 - W1404	$500,000.00	$500,000.00	$0.00	($500,000)
Contracted Services				
61100911 - 521001 - W1404	$500,000.00	$500,000.00	$0.00	($500,000)
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4354

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 14th day of October, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Lakeshore Drive Sidewalk Improvements

Magdalen Burleson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2014-15

3. Amendment to Operating ____ and/or Capital Project _x___ appropriation.

Public Works	10/14/2014	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: to appropriate additional funding for Lakeshore sidewalk project

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Transfer from General Fund				
41003301 498100 K1208	$85,628.00		$128,707.04	$43,079.04
Transfer from General Fund				
41093301 498100 K1201	$872,450.00		$829,370.96	($43,079.04)
Expenditures:				
Infrastructure				
41000231 615101 K1208	$216,758.90		$259,837.94	$43,079.04
Contracted Services				
41003301 521001 K1201	$133,534.00		$90,454.96	($43,079.04)
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

ORDINANCE NO. 4355

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this October 14, 2014.

Magdalen Bullison
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Budget amendment to establish funding for energy assessment of the US Cellular Center

Magdalen Bullison
City Clerk

256

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2014-15

3. Amendment to Operating _X___ and/or Capital Project ____ appropriation.

Sustainability	10/14/2014	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: to appropriate funding for US Cellular Center energy efficient assessment

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Fund Bal Reserve				
11000010 499101	$4,533,987.97		$4,588,987.97	$55,000.00
Expenditures:				
Contracted Services				
11000016 521001	$68,618.03		$123,618.03	$55,000.00
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4356

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment forms attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 14th day of October 2014.

Magdalen Bullion
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: To set up the project budget for the Black Mountain Trailblazer route, which is operated by Mountain Mobility (Buncombe County), and Employment trips to Buncombe County, which is a service provided by Mountain Projects (Haywood County).

Magdalen Bullion
City Clerk

258

City of Asheville
Budget Amendment Details

1. Effective Date: 10/14/2014
2. Fiscal Year: 2014-15

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation
Transportation Dept Director: Ken Putnam, Director

Transportation- Transit (4. Requesting Department) | 10/3/2014 (5. Today's Date) | (6. Preparer's Name)

7. Comments/Purpose: Budget amend to setup the project budgets for the Job Access and Reverse (JARC) Commute Federal Grant

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Federal grant CFDA 20.516			$0	
22000210:435516:T1503	$0	$0	$155,342	$155,342
			$0	
Expenditures:			$0	
Transit Pass trough			$0	
22000210:527101:T1503	$0	$0	$155,342	$155,342
			$0	
			$0	
Budget revision:			$0	
Revenue:			$0	
Passengers Fares			$0	
65000951:450600	$770,000	$593,675	$690,000	($80,000)
Restric Intergov-FTA JARC			$0	
65000951:435516	$0	$0	$80,000	$80,000
Expenditures:			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
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			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:
By:
Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

ORDINANCE NO. 4357

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance;

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 14th day of October, 2014.

Magdalen Bourneson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Approve funds be appropriated in the General Fund for the Transportation Department to purchase of a new traffic signal pole.

Magdalen Bourneson
City Clerk

260

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2014-15

3. Amendment to Operating _x___ and/or Capital Project ____ appropriation.

Finance	10/14/2014	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: to budget insurance recovery funds for traffic signal pole replacement

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
General Fund				
Revenue:				
Transfer from Prop/Liab. Fund				
11092152 498813	$0.00	$0.00	$16,590.00	$16,590.00
Expenditures:				
Mach & Equipment				
11002152 614101	$0.00	$0.00	$16,590.00	$16,590.00
Property/Liability Fund				
Expenditures:				
Claims				
81300038 525002	$678,552.06	$620,398.92	$661,962.06	($16,590.00)
Transfer to General Fund				
81390038 800110	$0.00	$0.00	$16,590.00	$16,590.00
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

ORDINANCE NO. 4358

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 14th day of October, 2014.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Budget Amendments:
(1) General Fund - Development Services
(2) Health Fund Transfer to General Fund

Magdalen Bourleson
City Clerk

262

City of Asheville

Budget Amendment Details

1. Effective Date: 10/14/2014

2. Fiscal Year: 2014-15

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

Finance and Management Services & Human Resources

4. Requesting Department | 5. Today's Date | 6. Preparer's Name

7. Comments/Purpose:	Request for consideration and approval of two Budget Amendments and the authorization of a contract with Segal Waters Consulting			
8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Lic & Permits- Permit Fees			$0	
11000130:443100	$2,472,158	$2,410,376	$2,772,158	$300,000
			$0	
Expenditures:			$0	
Full Time- Salaries			$0	
11000130:511001	$2,287,499	$1,877,507	$2,312,499	$25,000
Full Time- Salaries			$0	
11000040:511001	$710,152	$579,217	$920,152	$210,000
Full Time- Salaries			$0	
11000015:511001	$210,700	$167,288	$275,700	$65,000
			$0	
Revenue:			$0	
Appr Fd Balance			$0	
81100043:499100	$600,000	$600,000	$800,000	$200,000
			$0	
Expenditures:			$0	
Transfer to General Fund			$0	
81190043:800110	$0	$0	$200,000	$200,000
			$0	
Revenue:			$0	
Transfer from Health Fund			$0	
11090040:498811	$0	$0	$200,000	$200,000
			$0	
Expenditures:			$0	
Contracted Services			$0	
11000040:521001	$97,845	$53,772	$297,845	$200,000
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

ORDINANCE NO. 4359

AN ORDINANCE AMENDING ARTICLE II, DIVISION 1, SECTIONS 24 AND 25 OF APPENDIX C OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

Section 1: That Article II, Division I, Section 25 (b) of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Thirty miles per hour, City system) be amended to remove:

Cisco Road from Old Haw Creek Road to End of City Maintenance

Waynesville Avenue from Craven Street to Westwood Place

Section 2: That Article II, Division I, Section 23 (b) of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Twenty miles per hour, City system) be amended to include:

Oakwood Street from Haywood Road to End of City Maintenance

Section 3: That Article II, Division I, Section 24 (b) of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Twenty Five miles per hour, City system) be amended to include:

Catawba Street from Broadway Street to Cumberland Avenue

Cisco Road from Old Haw Creek Road to End of City Maintenance

Red Oak Road from Lakeshore Drive to Ellenwood Drive

Waynesville Avenue from Craven Street to Westwood Place

Section 4: That all Ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed.

Section 5: That this Ordinance shall be in full force and effect upon adoption by the City of Asheville and the erection of signs giving notice of the authorized speed limit.

Read, approved and adopted this 28th day of October, 2014.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

264

ORDINANCE NO. 4360

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 28th day of October, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: To appropriate North Carolina Governor's Highway Safety funds to cover the expenses of purchasing the necessary equipment and travel expenses.

Magdalen Burleson
City Clerk

City of Asheville

Budget Amendment Details

1. Effective Date: 10/28/2014

2. Fiscal Year: 2014-15

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

Police Dept | 5. Today's Date | 6. Preparer's Name

4. Requesting Department

7. Comments/Purpose: Budget Amendment for North Carolina Governor's Highway Safety Program Regional Liaison Grant.

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Federal revenue			$0	
22000120-435000-P1500	$0	$0	$20,000	$20,000
			$0	
Expenditures:			$0	
Training			$0	
22000120-523001-P1500	$0	$0	$7,500	$7,500
			$0	
Supplies other			$0	
22000120-524001-P1500	$0	$0	$12,500	$12,500
Revenue:			$0	
			$0	
			$0	
			$0	
Expenditures:			$0	
			$0	
			$0	
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			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

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ORDINANCE NO. 4361

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 11th day of November, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Budget amendment to cover costs of July 2013 severe storms

Magdalen Burleson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2014-15

3. Amendment to Operating ____ and/or Capital Project _x___ appropriation.

Public Works	11/11/2014	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: to appropriate add tional funding for Bent Tree and Sunset FEMA projects

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
FEMA Reimbursements				
41003002 43X000 K1422	$987,894.58		$1,008,720.15	$20,825.57
FEMA Reimbursements				
41003002 43X000 K1423	$737,302.15		$817,583.91	$80,281.76
Expenditures:				
Infrastructure				
41000231 615101 K1422	$216,758.90		$237,584.47	$20,825.57
Infrastructure				
41000231 615101 K1423	$133,534.00		$213,815.76	$80,281.76
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

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ORDINANCE NO. 4362

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 11th day of November, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Finalee Avenue
Retaining Wall

Magdalen Burleson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2014-15

3. Amendment to Operating ____ and/or Capital Project _x___ appropriation.

Public Works	11/11/2014	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: to appropriate additional funding for Finalee project

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Debt Proceeds				
41003002 494151 K1405	$550,000.00		$936,403.00	$386,403.00
Expenditures:				
Construction				
41003002 616102 K1405	$525,000.00		$911,403.00	$386,403.00

270

ORDINANCE NO. 4363

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 11th day of November, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Shiloh Road Sidewalk Improvements

Magdalen Burleson
City Clerk

City of Asheville

Budget Amendment Details

1. Effective Date: 11/11/2014

2. Fiscal Year: **2014-15**

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

Public Works (4. Requesting Department) | (5. Today's Date) | (6. Preparer's Name)

7. Comments/Purpose: Shiloh Road Sidewalk Improvements

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Oper Transfers from General Fd			$0	
41003301:498100:K1401	$0	$0	$73,550	$73,550
			$0	
Expenditures:			$0	
Infrastructure			$0	
41003301:615101:K1401	$116,225	$116,225	$189,725	$73,500
			$0	
			$0	
			$0	
Revenue:			$0	
			$0	
			$0	
			$0	
Expenditures:			$0	
			$0	
			$0	
			$0	
			$0	
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			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

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ORDINANCE NO. 4364

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 11 day of November, 2014.

Magdalen Bradley
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Accept non-matching grant from N.C. Dept. of Public Safety for Hazardous materials Regional Response Team 6 – Asheville

Magdalen Bradley
City Clerk

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2014-15

3. Amendment to Operating ____ and/or Capital Project _x___ appropriation.

Fire	11/11/2014	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: To budget grant funding

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Federal Grant Revenue				
22000110-435000-F1502	$0.00	$0.00	$27,400.00	$27,400.00
Supplies-Safety Equipment				
22000110-524003-F1502	$0.00	$0.00	$27,400.00	$27,400.00
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

274

ORDINANCE NO. 4365

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 11th day of November, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: DWI Task Force

Magdalen Burleson
City Clerk

City of Asheville

Budget Amendment Details

1. Effective Date: 11/11/2014

2. Fiscal Year: 2014-15

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

Police Dept (4. Requesting Department) | (5. Today's Date) | (6. Preparer's Name)

7. Comments/Purpose: DWI Task Force

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Restrictd Intergv State Grants			$0	
22000122:436000:P1401	536,861.00	536,861.00	886,492.35	349,631.35
Oper Transfers from General Fd			$0	
22090122:498100:P1401	0.00	0	40,998.75	40,998.75
In- Kind External Participation			$0	
22000122-483000-P1401	0.00	0	20,700.90	20,700.90
Expenditures:			$0	
Compensation - Full Time Reg			$0	
22000122:511001:P1401	188,000.00	188,000.00	376,000.00	188,000.00
FICA Tax Expense			$0	
22000122:512001:P1401	14,382.00	14,382.00	30,536.00	16,154.00
Employer - LGERS			$0	
22000122:512002:P1401	13,874.00	13,874.00	29,280.00	15,406.00
Employer - 401(K)			$0	
22000122:512005:P1401	9,400.00	9,400.00	19,981.00	10,581.00
Group Insurance Expense			$0	
22000122:512014:P1401	43,336.00	43,336.00	80,520.00	37,184.00
Training			$0	
22000122:523001:P1401	6,000.00	5,840.00	12,000.00	6,000.00
In- Kind Services- External			$0	
22000122-521000-P1401	0	0	20,700.90	20,700.90
Awarded Grants			$0	
22000122:527101:P1401	236,369.00	236,369.00	353,674.10	117,305.10
			$0	
			$0	
Budget Revision:			$0	
Contingency			$0	
11000060:528013	223,080.00	223,080.00	222,179.25	(900.75)
Transfer to Grant Fund			0.00	
11090122:800220	63,876.51	40,998.00	64,777.26	900.75
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

276

ORDINANCE NO. 4366

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 11th day of November, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Purchase of one CNG bus on behalf of Henderson County's Apple Country Transit System.

Magdalen Burleson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date: 11/11/2014
2. Fiscal Year: 2015

3. Amendment to Operating ____ and/or Capital Project X appropriation:

TRANSPORTATION | 11/3/2014 | Ken Putnam

4. Requesting Department | 5. Today's Date | 6. Department Head Signature

7. Comments/Purpose: Replacement bus for Henderson County

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Federal Grant				
65100950-435507-T1502	0.00	$0.00	$112,828.00	$112,828.00
Local Participation				
65100950-437000-T1502	0.00	$0.00	$14,103.00	$30,772.40
Expenditure:				
Machinery & equipment				
65100950-614101-T1502	0.00	$0.00	$141,034.00	$143,600.40

278

ORDINANCE NO. 4367

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 593 AZALEA ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed ordinance amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City, and is determined to be reasonable and in the public interest for the following reasons:

a) The proposed development supports the land use goal stated in the *Asheville City Development Plan 2025* of encouraging compatible adaptive reuse in appropriate areas.
b) The proposal provides for an appropriate use of a property that has been vacant for some time.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

> The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9668.25-1574 and currently owned by A.V.L. Investment Properties, LLC from Residential Multi-Family High Density District (RM-16) to Office Conditional Zoning District (OCZ). A copy of the official zoning map showing said lot is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B", attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 11th day of November, 2014.

Magdalen Bulleson
City Clerk

Mayor

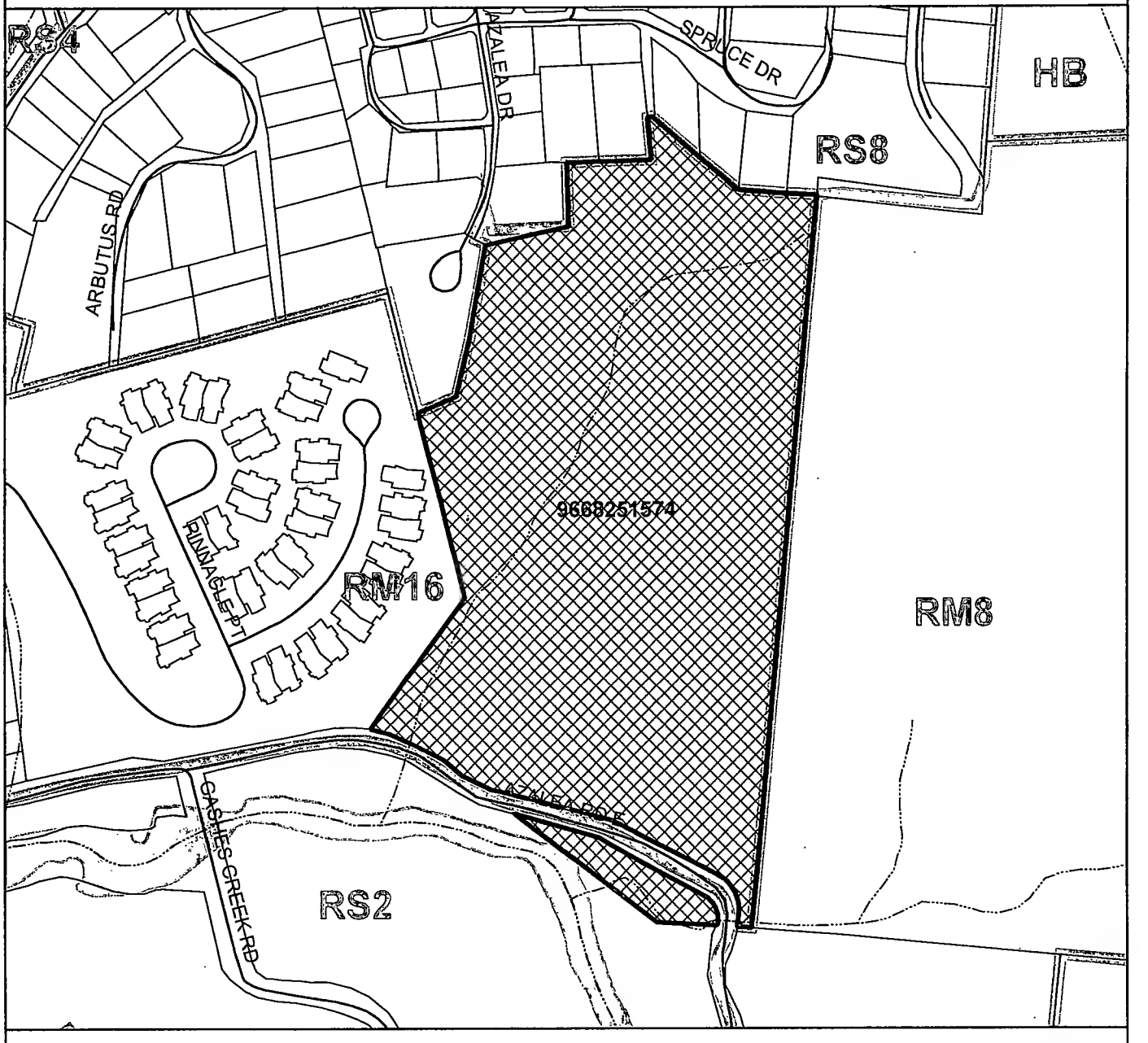
Approved as to form:

City Attorney

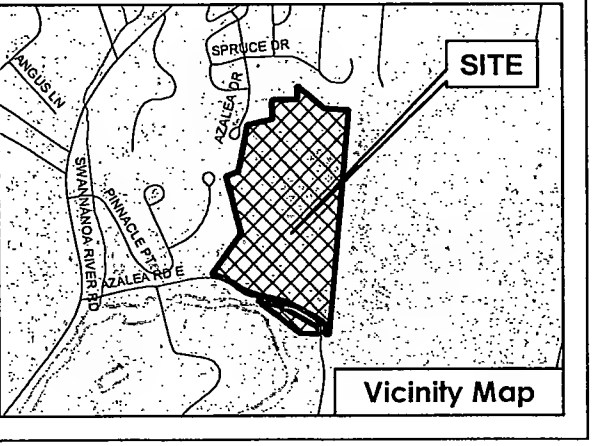
Magdalen Bulleson
City Clerk

280

City of Asheville - Exhibit A Map
Conditional Zoning - ABYSA Office



Project Name:	ABYSA Office
Project Number:	14-11769PZ
Project Description:	Conditional Zoning from RM-16 to Office
Petitioner(s):	Majorie Mann
Parcel ID Number(s):	9668-25-1574
Location/Address:	593 Azalea Road



Project Site · Parcels · Zoning Districts · Asheville City Limits · Streets · Streams

City of Asheville Planning and Development Department - September 2014

DRAFT
EXHIBIT B
CONDITIONS

1. Approval is for the use of an existing residential structure for an office on property located at 593 Azalea Road.
2. Signage shall be separately permitted and shall meet the standards of the City of Asheville Sign Ordinance (Article XIII of Chapter 7 of the Code of Ordinances).
3. All site lighting must comply with the City's Lighting Standards (Section 7-11-10 of the Code of Ordinances). Proposed lighting plans must be submitted at Final TRC.
4. All landscaping must meet the minimum size requirements set forth in Section 7-11-3(f)(3) of the UDO. All existing vegetation that is to be preserved must be indicated on the site, landscape and grading plans.
5. The building design, construction materials, and orientation on site must substantially comply with the site plan (attached hereto as Exhibit B1) and incorporated by reference. Any major deviations from these plans may result in reconsideration of the project by the reviewing boards.
6. The project shall comply with all conditions outlined in the TRC staff report as indicated below:
    a. All activities associated with non-residential uses shall be conducted between the hours of 7:00 a.m. and 9:00 p.m.
    b. Provide building height and number of stories in the development data block.
    c. Show open space calculations and show generally the area that will provide the required open space. 15% of lot area is required. Open space must comply with Section 7-11-4 of the UDO.
    d. Show landscape calculations and show required landscape for buffering, (10 foot buffer required on all sides; can use existing forested areas), street trees (1 tree per 40 feet of frontage required; can use existing trees if shown), and vehicular use area landscaping. Your calculations for vehicular use area are correct. You need to show where the plantings will go.
    e. A bicycle rack(s) is/are required. The minimum number of bicycle parking spaces required shall be equal to 5% of the total number of automobile parking spaces. Bicycle racks must support the bicycle frame in at least two places, allowing the frame and wheel to be locked using a u-lock or cable lock; prevent the wheel of the bicycle from tipping over; not damage the bicycle; be durable and securely anchored; and allow front in or back in parking. Inverted "U" racks or "A" racks, as well as some other designs, meet this requirement. Detailed information may be obtained from Barb Mee at (828) 232-4540.
    f. Access aisle from accessible parking shall not pass behind a parked vehicle.
    g. The 1:12 walk connecting the bottom of the ramp landing to the access aisle is also a ramp requiring all the same features; 5x5 landings top and bottom, handrails both sides, edge protection, 48" clear width between handrails. Please depict all.
    h. Provide spot elevations at all accessible parking spaces, access aisles and curb ramps connecting accessible parking to accessible route.Building egress will require a safe dispersal area accommodating 5sf per person (occupants). The safe dispersal area shall be a minimum of 50 feet away from the building and located on an accessible route.
    i. Please clarify the discrepancy between the note on sheet C1 stating that the propane tank will be relocated and the note on sheet A2 stating that the propane tank will be covered by the accessible parking area.

j. Ramp and stair details shall be submitted with building permit application.
k. Existing building address of 593 AZALEA RD E may remain the same.
l. Plan re-submittals shall label the AZALEA street name with the post directional suffix as "EAST" or abbreviated as "E."
m. If more than two structures are planned to be served by private access street then the street shall be named a new unique street name.
n. Provide Fire Truck turn around. CoA Standards Manual
o. Driveway to be minimum 18ft in width and paved per CoA Standards.
p. Indicate on plans an SU-30 turning template on driveway access.
q. Fire Hydrant shall be located within 500ft of buildng. NCFC 507. Alternate method – Building to be protected by an Automatic Fire Alarm System as outlined in NFPA 72.
r. If the existing water service is not sufficient for water peak demand created by the new use the applicant will be required to submit for water availability.
s. If the building is required to be provided with fire sprinklers the applicant will be required to submit water extension plans.
t. A separate grading application is required and shall be submitted concurrent or prior to submittal of TRC final plans.
u. The project qualifies for an exemption from post-construction stormwater quality and quantity control regulations because the development or re-development cumulatively disturbs less than one acre and will have a proposed impervious surface area on completion of development of 50 percent or less of the total acreage of the development site. [Ref.: City of Asheville Code of Ordinances, Part II, Section 7-12-2 (a) (7) b]
v. A Driveway Permit and/or Encroachment Agreement will be required to conduct work within the City of Asheville road right-of-way along Azalea Road.
w. A pre-construction conference may be required for this project. The conference will be scheduled after all City departments have completed their review, and after any required Grading and Stormwater have been approved.
x. If septic system fails, connection to public sewer will be required.

7. The project will undergo final review by the TRC prior to issuance of any permits.
8. A planning inspection is required prior to obtaining a certificate of occupancy. This inspection should be scheduled through the Development Services inspection line.

ABYSA OFFICE

ASHEVILLE/BUNCOMBE YOUTH SOCCER ASSOCIATION

GENERAL NOTES

UPON PROJECT COMPLETION, THE CONTRACTOR SHALL PROVIDE TO THE OWNER ANY USER MANUALS, MAINTENANCE INSTRUCTIONS AND OTHER MANUFACTURER'S INFORMATION ON ALL EQUIPMENT PROVIDED BY THE CONTRACTOR AS IT RELATES TO THIS PROJECT.

CONTRACTOR SHALL AWARD SUBCONTRACTS TO ENTITIES DULY LICENSED IN THE STATE OF NORTH CAROLINA IN THEIR PERFORMED SCOPE OF WORK.

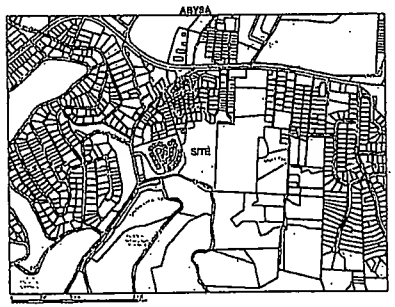
THE USE OF THE SITE SHALL BE CONFINED ONLY TO THOSE AREAS APPROVED BY THE OWNER AND BUILDING INSPECTOR IN ORDER TO MINIMIZE PUBLIC EXPOSURE TO UNSAFE CONDITIONS

PROJECT SITE SHALL BE KEPT CLEAN TO PROVIDE SAFE ENVIRONMENT FOR GENERAL PUBLIC AND CONTRUCTION WORKERS. WITH PERMISSION OF THE OWNER, SINKS MAY BE USED DURING CONSTRUCTION BUT MUST BE KEPT CLEAN AT ALL TIMES.

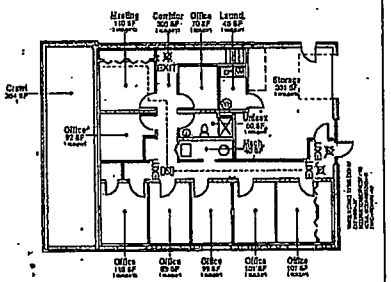
PROJECT SITE SHALL BE CLEANED AT THE COMPLETION OF THE PROJECT, FREE FROM DUST, DEBRIS, OILS, STAINS, FINGERPRINTS AND LABELS.

CONTRACTOR SHALL PROTECT ALL COMPONENTS, BUILDING FINISHES AND INSTALLED ITEMS INTENDED TO REMAIN. REPAIR OR REPLACEMENT DUE TO DAMAGE DURING DEMOLITION OR CONSTRUCTION SHALL BE A THE EXPENSE OF THE CONTRACTOR.

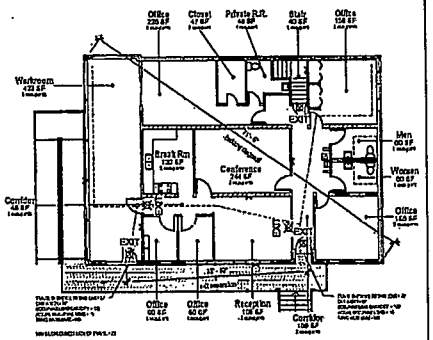
VICINITY MAP



LIFE SAFETY PLAN

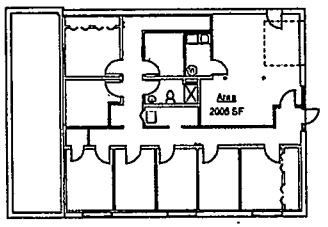


3 Lower level Floor Plan - Life Safety
3/32" = 1'-0"

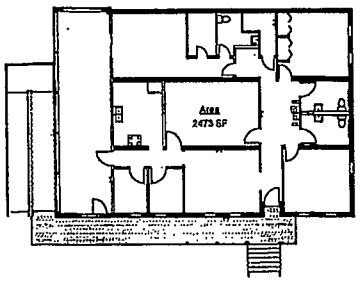


4 Main Level Floor Plan - Life Safety
3/32" = 1'-0"

AREA PLAN



5 Lower Level Area Plan
3/32" = 1'-0"



6 Main Level Area Plan
3/32" = 1'-0"

DRAWING INDEX

Sheet Number	Sheet Name	Print Date	Issued For Const.	Description	Current Revision Date	Current Revision Description
A1.0	COVER SHEET	09/19/14				
A1.1	APPENDIX B	09/19/14				
A2.0	LOWER LEVEL FLOOR PLAN	09/19/14				
A2.1	MAIN LEVEL FLOOR PLAN	09/19/14				
C-0	CIVIL COVER	09/19/14				
C-1	VICINITY MAP & GENERAL NOTES	09/19/14				
LL-1	EXISTING CONDITIONS	09/19/14				
C-2	SITE PLAN	09/19/14				
C-3	SITE PLAN DETAILS	09/19/14				
C-4	LEGEND OF CONTROL & NETWORK DETAILS	09/19/14				

DIRECTORY

OWNER

A.V.L INVESTMENT PROPERTIES, LLC

DEVELOPER

ABYSA
410 SWANNANOA RIVER RD
ASHEVILLE, NC 28805
(828) 299-7277

ARCHITECT

HOMESMITH ARCHITECTURE, PLLC
224 SOUTH GROVE STREET - SUITE G
HENDERSONVILLE, NC 28792
(828) 697-5985

CIVIL ENGINEER

MEROER DESIGN GROUP, PC
P.O. BOX 1516
WEAVERVILLE, NC 28787
(828) 645-7088

P+Z Submittal

SURVEYOR

DAVID HUNTLY & ASSOCIATES LAND SURVEYORS
875 MAPLE STREET
HENDERSONVILLE, NC 28792
(828) 693-8077

51632

8653

CONSULTANTS

ABA

HOMESMITH ARCHITECTURE

PROJECT TITLE
ABYSA OFFICE
533 AZALEA RD EAST
ASHEVILLE, NC 28813

No.	Date	Description
	10.13.15	

No.	Date	Description

ISSUED FOR CONST. DATE:

SHEET TITLE
COVER SHEET

SHEET NO.
A1.0

Exhibit B-1

283

2018 APPENDIX D
BUILDING CODE SUMMARY
FOR ALL COMMERCIAL PROJECTS
(EXCEPT 1 AND 2-FAMILY DWELLINGS AND TOWNHOUSES)
(Reproduce the following data on the building plans sheet 1 or 2)

Name of Project: ABYSA Office
Address: 593 Asalea Rd East Asheville, NC
City Code: 28813
Proposed Use: Business Office
Owner/Authorized Agent: Abel Perez Phone # 828) 301 - 8398 E-Mail:
Owned By: ☐ City/County ☑ Private ☐ State
Civil Polices must be filled out: ☑ City: Asheville ☐ County: ☐ State:

LEAD DESIGN PROFESSIONALS

RESPONSIBLE FOR:	LEAD ARCHITECT OR ENGINEER	NAME	LICENSURE #	TELEPHONE #	E-MAIL
Architectural	☑	Steven Smith, AIA	NC 16632	828) 505-2010	
Civil		Morgan Dooley Project Mgr.	Asheville	828) 505-2010	
Electrical				( ) -	
Fire Alarm				( ) -	
Plumbing				( ) -	
Mechanical				( ) -	
Sprinkler-Standpipe				( ) -	
Structural				( ) -	
Retaining Walls >5'High				( ) -	
Other				( ) -	

2012 EDITION OF NC CODE FOR: ☐ New Construction ☐ Addition ☐ Shell
EXISTING: ☐ Renovation ☑ Alteration ☐ Repair ☐ Renovation
CONSTRUCTION (date): 2020 ORIGINAL USE(S) (Ch. 3): Residential - R2
RENOVATED: (date) ____ CURRENT USE(S) (Ch. 3): ____
PROPOSED USE(S) (Ch. 3): Office - B

BASIC BUILDING DATA

Construction Type (check all that apply): ☐ I-A ☐ I-B ☐ II-A ☐ II-B ☐ III-A ☐ III-B ☐ IV ☐ V-A ☑ V-B
Sprinklered: ☑ No ☐ Partial ☐ Yes ☐ NFPA 13 ☐ NFPA 13R ☐ NFPA 13D
Standpipes: ☑ No ☐ Yes Class ☐ I ☐ II ☐ III ☐ Wet ☐ Dry
Fire District: ☑ No ☐ Yes (Primary) Flood Hazard Area: ☑ No ☐ Yes
Building Height (feet): ____
Gross Building Area:

TYPE	EXISTING (sq ft)	NEW (sq ft)	TOTAL (sq ft)
4th Floor			
3rd Floor			
2nd Floor			
1st Floor	3,800		3,800
Mezzanine			
1st Floor	3,125		3,125
Basement			4,170
TOTAL			

2012 NC Administrative Code and Policies

ALLOWABLE AREA

Occupancy:
Assembly ☐ A-1 ☐ A-2 ☐ A-3 ☐ A-4 ☐ A-5
Business ☐
Educational ☐
Factory ☐ F-1 Moderate ☐ F-2 Low
Hazardous ☐ H-1 Detonate ☐ H-2 Deflagrate ☐ H-3 Combust ☐ H-4 Health ☐ H-5 HPM
Institutional ☐ I-1 ☐ I-2 ☐ I-3 ☐ I-4
I-1 Condition ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5
Mercantile ☐
Residential ☐ R-1 ☐ R-2 ☐ R-3 ☐ R-4
Storage ☐ S-1 Moderate ☐ S-2 Low ☐ Hi-pile/fire
☐ Parking Garage ☐ Open ☐ Enclosed ☐ Repair Garage
Utility and Miscellaneous ☐

Accessory Occupancies:
Assembly ☐ A-1 ☐ A-2 ☐ A-3 ☐ A-4 ☐ A-5
Business ☐
Educational ☐
Factory ☐ F-1 Moderate ☐ F-2 Low
Hazardous ☐ H-1 Detonate ☐ H-2 Deflagrate ☐ H-3 Combust ☐ H-4 Health ☐ H-5 HPM
Institutional ☐ I-1 ☐ I-2 ☐ I-3 ☐ I-4
I-1 Condition ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5
Mercantile ☐
Residential ☐ R-1 ☐ R-2 ☐ R-3 ☐ R-4
Storage ☑ S-1 Moderate ☐ S-2 Low ☐ Hi-pile/fire
☐ Parking Garage ☐ Open ☐ Enclosed ☐ Repair Garage
Utility and Miscellaneous ☐

Incidental Use (Table 508.2.5):
☐ Furnace room where any piece of equipment is over 120,000 Btu per hour input
☐ Rooms with boilers where the largest piece of equipment is over 15 psi and 10 horsepower
☐ Refrigerant machinery rooms
☐ Hydrogen cutoff rooms, not classified as Group H
☐ Incinerators rooms
☐ Paint shops, not classified as Group H, located in occupancies other than Group F
☐ Laboratories and vocational shops, not classified as Group H, located in a Group E or I-2 occupancy
☐ Laundry rooms over 100 square feet
☐ Group I-2 with sprinklered with padded surfaces
☐ Group I-2 nurse and locker/locker rooms
☐ Waste and linen collection rooms over 100 square feet
☐ Emergency energy power systems having a liquid storage capacity of more than 60 gallons, or a lithium-ion capacity of 1,000 pounds used for facility standby power, emergency power or uninterrupted power supplies
☐ Rooms containing fuel pumps
☐ Group I-3 storage rooms over 100 square feet
☐ Group I-3 exercise cell blocks
☐ Group I-3 laundries equal to or less than 100 square feet
☐ Group I-3 rooms or spaces that contain fuel-fired heating equipment

Special Uses: ☐ 403 ☐ 411 ☐ 412 ☐ 417 ☐ 418 ☐ 419 ☐ 422 ☐ 423 ☐ 424 ☐ 425 ☐ 426 ☐ 427 ☐ 428 ☐ 429 ☐ 430 ☐ 431 ☐ 432 ☐ 433 ☐ 434 ☐ 435 ☐ 436
Special Provisions: ☐ 503.3 ☐ 507.2 ☐ 507.3 ☐ 507.4 ☐ 507.5 ☐ 507.6 ☐ 507.7 ☐ 507.8 ☐ 507.9 ☐ 507.10 ☐ 507.11 ☐ 507.12
Mixed Occupancy: ☐ No ☐ Yes Separation: ____ Hr. Exceptions: ____
☐ Incidental Use Separation (508.2.5)

ALLOWABLE AREA

This operation is an change in a Non-Separated Use (see exceptions).
☑ Non-Separated Use (508.3)
The most restrictive type of construction for the building shall be determined by applying the height and area limitations for each of the applicable occupancies to the entire building. The most restrictive type of construction, or alternatively, shall apply to the entire building.
☐ Separated Use (508.4) – See below for area calculations
For each story, the area of the occupancy shall be such that the sum of the ratios of the actual floor area of each use divided by the allowable floor area for each use shall not exceed 1.

Actual Area of Occupancy A / Allowable Area of Occupancy A + Actual Area of Occupancy B / Allowable Area of Occupancy B ≤ 1

STORY (No.)	OCCUPANCY (see IBC)	(a) SQUARE FEET PER FLOOR	(b) CODE TABLE AREA	(c) AUTOMATIC SPRINKLER INCREASE	(d) ALLOWABLE AREA (b + c)	(e) AREA PER FLOOR	(f) BUILDING AREA (sum of e)
2							
1	B	3,800	9,000		9,000		9,000
	S-1	3,125	26,000		26,000		

Frontage increase (see Section 506.3) (use zero if not used)
a. Perimeter which fronts a public way or open space having 20 foot minimum width = _____ (F)
b. Total Building Perimeter = _____ (P)
c. Ratio (F/P) = _____ (F/P)
d. W = minimum width of public way = _____ (W)
e. Percent of frontage increase: I_f = [(F/P) - 0.25] x W/30 = _____ (I_f)
The tabulation increase per Section 506.2 is as follows:
a. Sprinklered building I_s = 200 percent
b. Single story building I_sa = 200 percent
Unlimited area applicable under conditions of Section 507.
Maximum Building Area = total number of stories in the building x I (506.4).
The maximum area of open parking garages must comply with Table 406.3.5. The maximum area of sub-grade covered mezzanines must comply with Table 412.1.2.

ALLOWABLE HEIGHT

	ALLOWED (TABLE 503)	NO NEW WORK REQUIRED	HEIGHT PLANS	CODE REFERENCE
Type of Construction	V-B		V-B	
Building Height in Feet	40		35	
Building Height in Levels	1		1	1 story above grade plane

FIRE PROTECTION REQUIREMENTS

BUILDING ELEMENT	FIRE SEPARATION DISTANCE (Table 602)	RATING REQUIRED (Table 601)	RATING PROVIDED (Table 601)	DESIGN # (UL or Other)	RATING OF PENETRATION	RATING OF JOINT SYSTEM
Exterior Walls, bearing (show x-section)						
Exterior Walls, non-bearing (show x-section)						
Interior Walls and Partitions:						
Bearing	>30'	0	0			
Non-bearing	>30'	0	0			
Shaft	>30'	0	0			
Exit	>30'	0	0			
Other	>30'	0	0			
Structural Frame including columns, girders, trusses	>30'	0	0			
Interior Bearing Walls and Partitions:						
Exterior	>30'	0	0			
Interior	>30'	0	0			
Shaft	>30'	0	0			
Exit	>30'	0	0			
Other	>30'	0	0			
Floor Construction including supporting beams and joists	>30'	0	0			
Roof Construction including supporting beams and joists	>30'	0	0			
Shaft Enclosures - Exit						
Shaft Enclosures - Other						
Corridor Separation		0	0			
Occupancy Separation						
Party/Fire Wall Separation						
Smoke Barrier Separation						
Tenant Separation						
Incidental Use Separation						

* Indicate section number permitting reduction

LIFE SAFETY SYSTEM REQUIREMENTS

Emergency Lighting	☐ Yes	
Exit Signs	☐ Yes	
Fire Alarm	☐ Yes	
Smoke Detection System	☐ Yes	☐ Partial
Fire Sprinklers	☐ Yes	☐ No

LIFE SAFETY PLAN REQUIREMENTS

Life Safety Plan Sheet #: A1.0
☐ Fire and/or smoke rated wall locations (Chapter 7)
☐ Assumed and real property line locations

☐ Exits for wall opening area with respect to distance to nearest property lines (705.8)
☐ Existing structures within 30' of the proposed building
☐ Occupancy type for each area and division, in occupant load calculation (Table 1004.1.2.)
☐ Occupant loads for each area
☐ Exit access travel distances (1017)
☐ Common path of travel distances (1014.3 & 1025.8)
☐ Dead end lengths (1018.4)
☐ Clear exit widths for each exit door
☐ Maximum calculated occupant load capacity each exit door can accommodate based on egress width (1005.1)
☐ Actual occupant load for each exit door
☐ A separate submittable plan indicating where fire rated fire-stopping or fire rated assemblies is provided for purposes of occupancy separation
☐ Location of doors with panic hardware (1008.1.8.8)
☐ Location of doors with delay of egress locks and the amount of delay (1008.1.8.7)
☐ Location of doors with electromagnetic egress locks (1008.1.8.6)
☐ Location of doors equipped with hold-open devices
☐ Location of emergency escape windows (1027)
☐ The square footage of each fire area (902)
☐ The square footage of each smoke compartment (407.4)
☐ Note: any code exceptions or unit areas that may have been utilized regarding the items above

ACCESSIBLE DWELLING UNITS (SECTION 1107)

Total Units	Accessible Units Required	Adaptable Units Required	Type A Units Required	Type A Units Provided	Type B Units Required	Type B Units Provided	Shelter Accessible Units required

ACCESSIBLE PARKING (SECTION 1106)

USE OR OCCUPANCY AREA	TOTAL # OF PARKING SPACES PROVIDED	VAN ACCESSIBLE SPACES PROVIDED	TOTAL ACCESSIBLE SPACES PROVIDED				SPACES # ACCESSIBLE (each type)
			8' WIDTH 60in	VAN WIDTH 96in	8' WIDTH 60in	VAN WIDTH 96in	
TOTAL							

EXISTING STRUCTURE
STRUCTURAL DESIGN

DESIGN LOADS:

Importance Factors: Wind (I_w) = _____ Snow (I_s) = _____ Seismic (I_e) = _____

Live Loads: Roof _____ psf; Mezzanine _____ psf; Floor _____ psf

Ground Snow Load: _____ psf

2012 NC Administrative Code and Policies

Wind Load:

Basic Wind Speed _____ mph (ASCE-7)
Exposure Category _____
Wind Base Shears (for MWFRS): Vx = _____ Vy = _____

SEISMIC DESIGN CATEGORY:

☐ A ☐ B ☐ C ☐ D

Provide the following Seismic Design Parameters:
Occupancy Category (Table 1604.5): ☐ I ☐ II ☐ III ☐ IV
Essential Structure Architecture: S_DS ____ S_D1 ____
Site Classification (Table 1613.5.2): ☐ A ☐ B ☐ C ☐ D ☐ E ☐ F
Data Source: ☐ Field Test ☐ Presumptive ☐ Historical Data
Basic structural system (check one):
☐ Bearing Wall ☐ Load supported Moment Frame
☐ Building Frame ☐ Dual w/Intermediate RC or Special Steel
☐ Moment Frame ☐ Detailed Procedure
Drift limit shears: V_x = _____ V_y = _____
Analysis Procedure: ☐ Simplified ☐ Equivalent Lateral Force ☐ Dynamic
Architectural, Mechanical, Components anchored? ☐ Yes ☐ No

LATERAL DESIGN CONTROLS: Earthquake ☐ Wind ☐

SOIL BEARING CAPACITIES:
Field Test (provide copy of test report) _____ psf
Presumptive Bearing Capacity _____ psf
Pile data (type and capacity) _____

SPECIAL INSPECTIONS REQUIRED: ☐ Yes ☐ No

PLUMBING FIXTURE REQUIREMENTS (TABLE 2902.1)

USE	OCCUPANCY	# FIXTURES	WATER CLOSETS (stools)		LAVATORIES		DRINKING FOUNTAINS	SERVICE SINK
			MALE	FEMALE	MALE	FEMALE		
EXISTING	EXISTING							
ADD								
	ADD TOTAL							

SPECIAL APPROVALS

Special approvals (Local Jurisdiction, Department of Insurance, OSC, DPI, DHHS, ICC, etc., describe below)

ENERGY SUMMARY

EXISTING STRUCTURE
ENERGY REQUIREMENTS
The following data shall be available at inspections and any special analysis required to meet the energy code shall also be provided. Each Designer shall furnish the required portions of the project information for the plan data sheet. If performance method, note the annual energy cost for the standard reference design vs annual energy cost for the proposed design.

Climate Zone: ☐ 3 ☑ 4 ☐ 5

Method of Compliance:
☐ Prescriptive (Energy Code)
☐ Performance (Energy Code)
☐ Prescriptive (ASHRAE 90.1)
☐ Performance (ASHRAE 90.1)

THERMAL ENVELOPE

Roof/Ceiling Assembly (each assembly):
Description of assembly: _____
U-Value of total assembly: _____
R-Value of insulation: _____
Skylights in each assembly:
U-Value of skylight: _____
total square footage of skylights in each assembly: _____

Exterior Walls (each assembly):
Description of assembly: _____
U-Value of total assembly: _____
R-Value of insulation: _____
Openings (windows or doors with glazing):
U-Value of assembly: _____
Solar heat gain coefficient: _____
projection factor: _____
Door R-Value: _____

Walls below grade (each assembly):
Description of assembly: _____
U-Value of total assembly: _____
R-Value of insulation: _____

Floors over unconditioned space (each assembly):
Description of assembly: _____
U-Value of total assembly: _____
R-Value of insulation: _____

Floors slab on grade:
Description of assembly: _____
U-Value of total assembly: _____
R-Value of insulation: _____
Has insulation reduced requirements? _____
slab heated: _____

MECHANICAL SUMMARY

MECHANICAL SYSTEMS, SERVICE SYSTEMS AND EQUIPMENT

Thermostat Zones:
whole dwg units: _____
numbers dwg units: _____

Interior design conditions:
winter dry bulb: _____
summer dry bulb: _____
relative humidity: _____

Dwelling heating load: _____

Dwelling cooling load: _____

Mechanical Heating Ventilating System:
Unitary:
description of unit: _____
heating efficiency: _____
cooling efficiency: _____
size category of unit: _____
Boiler:
size category (if over 600K, state reason): _____
Chiller:
size category (if over 600K, state reason): _____
Use of equipment efficiencies: _____

ELECTRICAL SUMMARY

ELECTRICAL SYSTEM AND EQUIPMENT

Method of Compliance:
Energy Code ☐ Prescriptive ☐ Performance
ASHRAE 90.1 ☐ Prescriptive ☐ Performance

Lighting schedule (each fixture type):
fixture type designated by letters
number of lamps in fixture
ballast type used in the fixture
number of ballasts in fixture
total wattage per fixture
total interior wattage installed vs. allowed (whole building or space by space)
total exterior wattage installed vs. allowed

Additional Prescriptive Compliance:
☐ 130.2.1 More Efficient Mechanical Equipment
☐ 130.2.2 Reduced Lighting Power Density
☐ 130.2.3 Energy Recovery Ventilation Systems
☐ 130.2.4 Higher Efficiency Service Water Heating
☐ 130.2.5 On-Site Supply of Renewable Energy
☐ 130.2.6 Automatic Daylighting Control Systems

STEVEN C. SMITH
REGISTERED ARCHITECT
51632
NORTH CAROLINA
SEAL

ROBERT C. NELSON
REGISTERED LANDSCAPE ARCHITECT
8653
NORTH CAROLINA
SEAL

CONSULTANTS

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STEVEN C. SMITH, AIA
NC REGISTERED ARCHITECT 16632
828.505.2010
PO BOX 16545
ASHEVILLE, NC 28816
PROJECTS@HOMESMITHARCHITECTURE.COM

PROJECT TITLE:
ABYSA OFFICE
593 AZALEA RD EAST
ASHEVILLE, NC 28813

Plot Date	
No.	Date / Description
1	8/6/21

Revision Schedule

No.	Date	Description

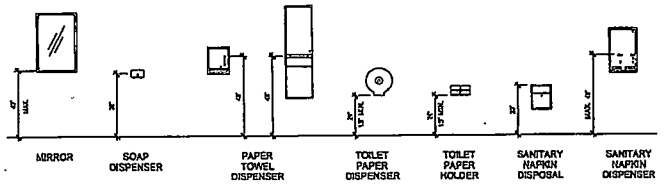
ISSUED FOR CONST. DATE:

SHEET TITLE:
APPENDIX B

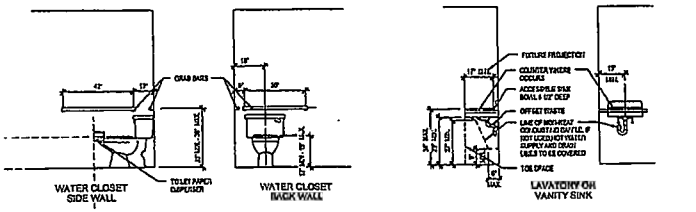
SHEET NO:
A1.1

484

Room Finish Schedule						
		Finish				
Number	Room Name	Floor	Base	Wall	Ceiling	Comments
001	Corridor	Vinyl	Wood-Paint	Paint	Acoustical Tile	
002	Meeting	Carpet	Wood-Paint	Paint	Acoustical Tile	
003	Office	Carpet	Wood-Paint	Paint	Acoustical Tile	
004	Office	Carpet	Wood-Paint	Paint	Acoustical Tile	
005	Office	Carpet	Wood-Paint	Paint	Acoustical Tile	
006	Office	Carpet	Wood-Paint	Paint	Acoustical Tile	
007	Office	Carpet	Wood-Paint	Paint	Acoustical Tile	
008	Office	Carpet	Wood-Paint	Paint	Acoustical Tile	
009	Mech.	Concrete	Wood-Paint	Paint	Acoustical Tile	
010	Unisex	Existing vinyl to remain		Paint	Acoustical Tile	
011	Office	Carpet	Wood-Paint	Paint	Acoustical Tile	
012	Laund.	Concrete	Wood-Paint	Paint	Acoustical Tile	
013	Storage	Concrete	Wood-Paint	Paint	Acoustical Tile	
014	Crawl	N/A	N/A	N/A	N/A	
101	Reception	Laminate	Wood-Paint	Paint	Paint	
102	Office	Carpet	Wood-Paint	Paint	Paint	
103	Corridor	Laminate	Wood-Paint	Paint	Paint	
104	Workroom	Carpet	Wood-Paint	Existing to remain	Paint	
105	Break Rm	Vinyl	Wood-Paint	Paint	Paint	
106	Conference	Carpet	Wood-Paint	Paint	Paint	
107	Corridor	Laminate	Wood-Paint	Paint	Paint	
108	Office	Carpet	Wood-Paint	Paint	Paint	
109	Office	Carpet	Wood-Paint	Paint	Paint	
110	Office	Carpet	Wood-Paint	Paint	Paint	
111	Closet	Vinyl	Wood-Paint	Paint	Paint	
112	Private R.R.	Vinyl	Wood-Paint	Paint	Paint	
113	Stair	Carpet	Wood-Paint	Paint	Paint	
114	Men	Vinyl	Wood-Paint	Paint	Paint	
115	Women	Vinyl	Wood-Paint	Paint	Paint	
116	Office	Carpet	Wood-Paint	Paint	Paint	

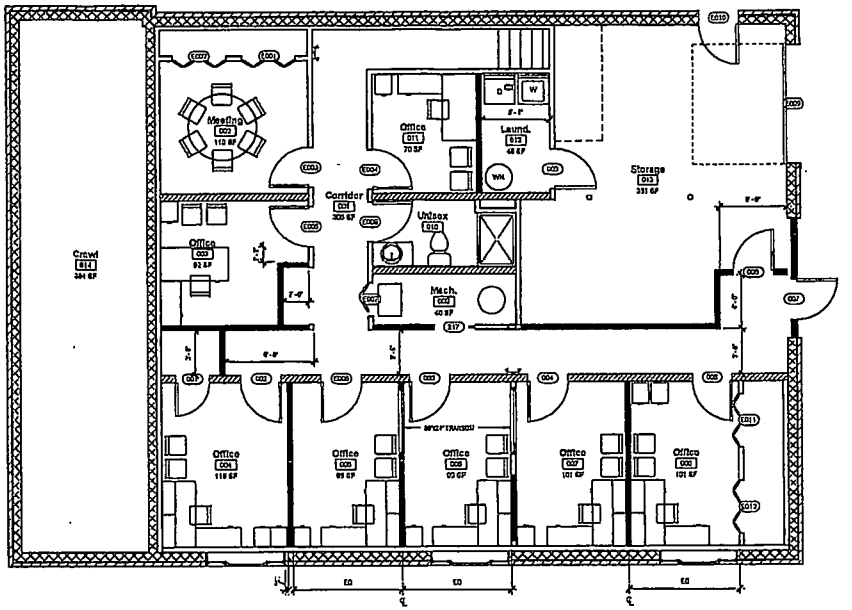


TYPICAL TOILET ACCESSORIES MOUNTING HEIGHTS

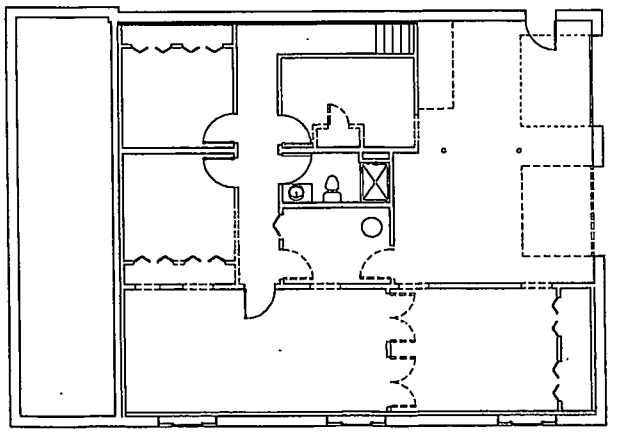


TYPICAL PLUMBING FIXTURES AND ACCESSORIES MOUNTING HEIGHTS

2 ADA Elevations
3/8" = 1'-0"



1 Lower Level Floor Plan
1/8" = 1'-0"



3 Lower Level Demolition Plan
3/16" = 1'-0"

SEAL
51632
8653

CONSULTANT:

ADA

HOMESMITH ARCHITECTURE

PROJECT TITLE:
ABYSA OFFICE
600 ALLEN RD EAST
ASHEVILLE, NC 28813

Print Date

No.	Date	Description

Revision Schedule

No.	Date	Description

ISSUED FOR CONST. DATE:

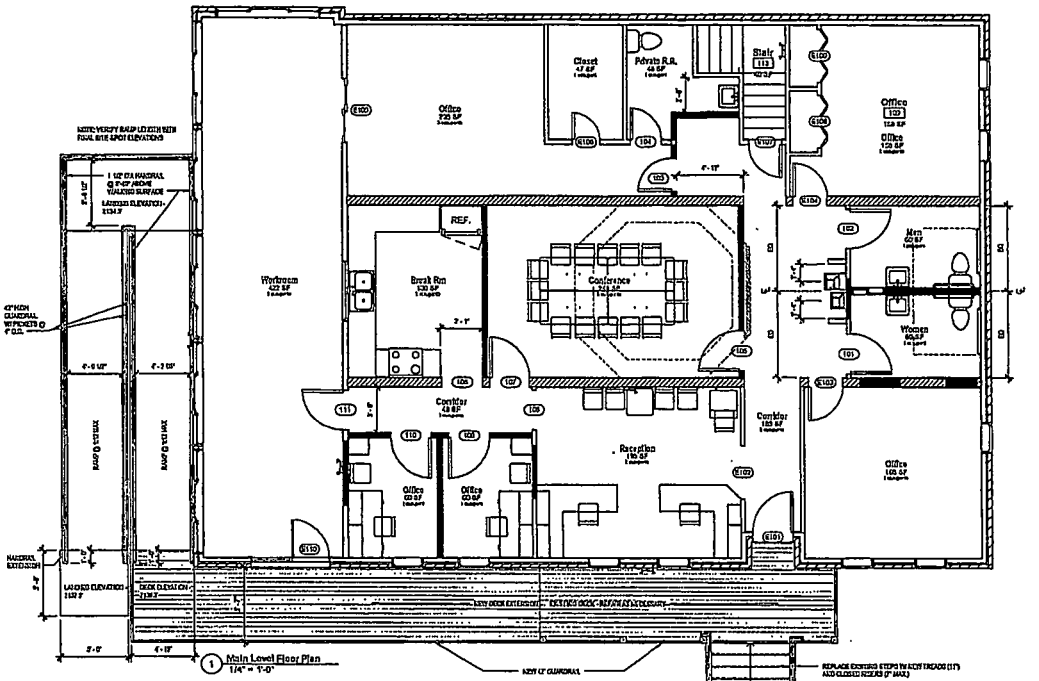
SHEET TITLE:
LOWER LEVEL FLOOR PLAN

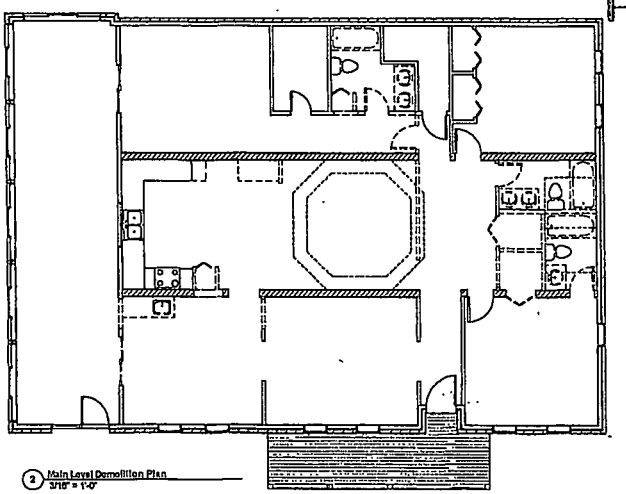
SHEET NO:
A2.2

285

Door and Frame Schedule

Mark	Door Style	Door Size	Door Material	Hardware	Comments
001	Flush	30" x 80"	Solid Core Wood	Lever - Passage	
002	Full Lite	36" x 80"	Wood/Glass	Lever - Privacy	
003	Full Lite	36" x 80"	Wood/Glass	Lever - Privacy	
004	Full Lite	36" x 80"	Wood/Glass	Lever - Privacy	
006	Full Lite	36" x 80"	Wood/Glass	Lever - Privacy	
007	Insulated Metal	30" x 80"	Metal	Lever - Security	
008	Insulated Metal	30" x 80"	Metal	Lever - Storeroom	
009	Insulated Metal	36" x 80"	Metal	Lever - Passage	
101	Flush	36" x 80"	Solid Core Wood	Lever - Privacy	
102	Flush	36" x 80"	Solid Core Wood	Lever - Privacy	
103	Flush	30" x 80"	Solid Core Wood	Lever - Privacy	
104	Flush	28" x 80"	Solid Core Wood	Lever - Privacy	
105	Flush	36" x 80"	Solid Core Wood	Lever - Privacy	
106	Finished Opening	36" x 80"	N/A	N/A	
107	Flush	36" x 80"	Solid Core Wood	Lever - Privacy	
108	Finished Opening	36" x 80"	N/A	N/A	
109	Flush	36" x 80"	Solid Core Wood	Lever - Privacy	
110	Flush	36" x 80"	Solid Core Wood	Lever - Privacy	
111	Full Lite	36" x 80"	Wood/Glass	Lever - Security	
E001	Existing to remain	48" x 80"	Existing	Pulls	
E002	Existing to remain	48" x 80"	Existing	Pulls	
E003	New Full Lite Door in Existing Frame	36" x 80"	Wood/Glass	Lever - Privacy	
E004	New Full Lite Door in Existing Frame	36" x 80"	Wood/Glass	Lever - Privacy	
E005	New Full Lite Door in Existing Frame	36" x 80"	Wood/Glass	Lever - Privacy	
E006	New Flush Door in Existing Frame	36" x 80"	Wood/Glass	Lever - Privacy	
E007	Existing to remain	30" x 80"	Existing	Pulls	
E008	New Full Lite Door in Existing Frame	36" x 80"	Wood/Glass	Lever - Privacy	
E009	Existing to remain	108" x 84"	Existing	Existing	
E010	Existing to remain	30" x 80"	Existing	Lever - Security	
E011	Existing to remain	48" x 80"	Existing	Pulls	
E012	Existing to remain	48" x 80"	Existing	Pulls	
E101	Existing to remain	36" x 80"	Existing	Lever - Security	
E102	Existing to remain	48" x 80"	Existing	N/A	
E103	New Flush Door in Existing Frame	30" x 80"	Solid Core Wood	Lever - Privacy	
E104	New Flush Door in Existing Frame	30" x 80"	Solid Core Wood	Lever - Privacy	
E105	Existing to remain	58" x 80"	Existing	Existing	
E106	New Flush Door in Existing Frame	24" x 80"	Solid Core Wood	Lever - Passage	
E107	New Flush Door in Existing Frame	30" x 80"	Solid Core Wood	Lever - Passage	
E108	Existing to remain	48" x 80"	Existing	Pulls	
E109	Existing to remain	48" x 80"	Existing	Pulls	
E110	Existing to remain	6068 Patio Door	Existing	Lever - Security	





HOMESMITH ARCHITECTURE

PROJECT TITLE: ABYSA OFFICE

SHEET TITLE: MAIN LEVEL FLOOR PLAN

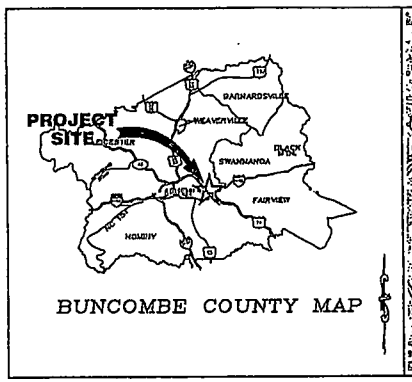
SHEET NO: A2.3

ABYSA OFFICE

SITE IMPROVEMENT
SITE ENGINEERING

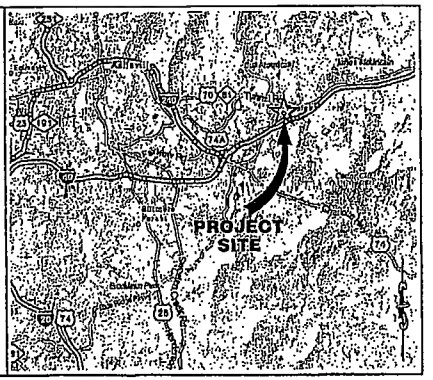
DRAWING INDEX:

COVER:	COVER
G1:	LOCATION MAP AND GENERAL NOTES
M1:	EXISTING CONDITIONS
C1:	SITE PLAN
C2:	SITE PLAN DETAILS
D1:	EROSION CONTROL & SITEWORK DETAILS



BUNCOMBE COUNTY MAP

VICINITY MAP
Not To Scale



VICINITY MAP
Not To Scale

MDG
ENGINEERING EXCELLENCE
CIVIL ENGINEERING . STRUCTURAL ENGINEERING
MUNICIPAL INFRASTRUCTURE . CONSTRUCTION ADMINISTRATION

P.O. BOX 1516
WEAVERVILLE, NORTH CAROLINA 28787
P: 828.645.7088
F: 828.645.7714
info@mdgeng.com
www.mdgeng.com

PROJECT DATA

PROJECT:	ABYSA OFFICE 593 AZALEA ROAD EAST ASHEVILLE, NC
OWNER:	A.V.L. INVESTMENT PROPERTIES, LLC
DEVELOPER:	ASHEVILLE BUNCOMBE YOUTH SOCCER ASSOCIATION (ABYSA)
CONTACT:	CHRIS BROOK 10 CRISPU COURT ASHEVILLE, NC 28803
CONTACT NUMBER:	(828) 243-6103
ENGINEER:	MERCER DESIGN GROUP, PC P.O. BOX 1516 WEAVERVILLE, NC 28787 828-645-7088

SITE DATA

PROJECT PIN:	9688-25-1574
DEED BOOK/PAGE	4959/0573
CURRENT ZONING:	R4-18
CONDITIONAL ZONING:	OFFICE (CZ)

PARCEL ACREAGE: 14.18 AC.

DISTURBED AREA= 0.57 AC.

IMPERVIOUS AREAS:
EXISTING..... 0.34 AC. (2.4% OF TOTAL SITE AREA)
PROPOSED..... 0.64 AC. (4.5% OF TOTAL SITE AREA)

REQUIRED PARKING:
MINIMUM =4,478 SF OFFICE USE/350=13 SPACES
MAXIMUM=4,479 SF OFFICE USE/250=18 SPACES

PROPOSED PARKING:
18 SPACES (INCLUDING 2 ADA SPACES)

V.U.A. AREA= 10,000 SF
V.U.A./1500 SF =7 TREES AND 28 SHRUBS

UTILITIES: WATER AND SEWER PROVIDED BY EXISTING WELL AND SEPTIC TANK/FIELD

NOTE: SITE TOPOGRAPHY WITHIN LIMITS OF DISTURBANCE SURVEYED BY DAVID HUNTLEY & ASSOC. LAND SURVEYORS, ON OR ABOUT JUNE 2014. ALL TOPO DATA OUTSIDE OF LIMITS OF DISTURBANCE OBTAINED FROM BUNCOMBE COUNTY GIS DATA.

BEFORE YOU DIG!
CALL 1-800-632-4949
N.C. ONE-CALL CENTER
IT'S THE LAW!

BP-14-XXXX

NO.	REVISIONS/CLIENT COMMENTS	DATE

DRAWING PHASE

PRELIMINARY PLAT SUBMITTAL - AUG 15, 2014 - SCHEMATIC

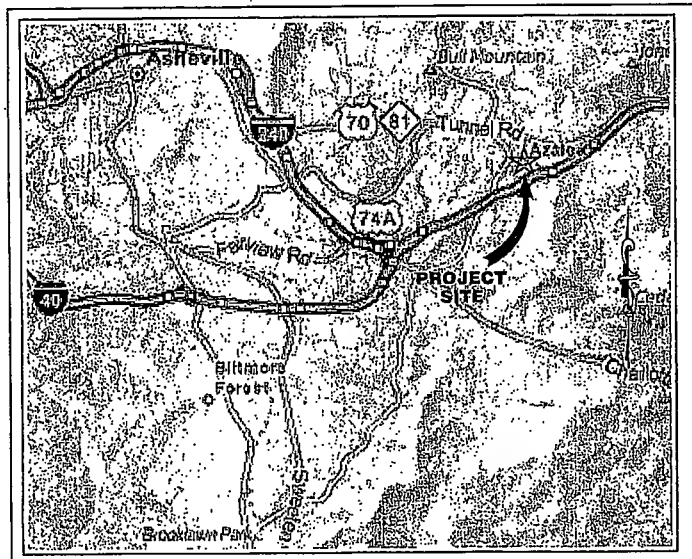
NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT

Designed:	JMW
Graphics:	MDG
Checked:	JMW/MW
Approved:	JMW/MW
Scale:	NOT TO SCALE
Date:	JUNE 2014

MDG
ENGINEERING EXCELLENCE

ABYSA OFFICE
SITE IMPROVEMENT
ASHEVILLE, NORTH CAROLINA
BUNCOMBE COUNTY
DRAWING TITLE:
COVER

Sheet No.: 01 OF NO.
Sheet: COVER
Project No.: 14-062



VICINITY MAP
Not To Scale

GENERAL CONSTRUCTION NOTES:

1. FINISH GRADE TOLERANCES SHALL BE AS NOTED IN THE SPECIFICATIONS. THE ENGINEER MAY MAKE GRADE CHANGES AS REQUIRED IN THE FIELD WITHOUT EFFECTING THE UNIT BID PRICE FOR UNCLASSIFIED EXCAVATION.
2. UNLESS OTHERWISE STATED, ALL FILL AREAS SHALL BE CONSTRUCTED IN LAYERS OF 8" MAXIMUM THICKNESS WITH WATER ADDED OR SOIL CONDITIONED TO THE OPTIMUM MOISTURE CONTENT AS DETERMINED BY THE ENGINEER AND COMPACTED WITH A SHEEP'S FOOT ROLLER TO A COMPACTION EQUAL TO OR GREATER THAN 95% (100% IN THE TOP 6" OF THE SUB-GRADE UNDER ROADWAYS AND PARKING LOTS) OF THE DENSITY OBTAINED BY COMPACTING A SAMPLE OF THE MATERIAL IN ACCORDANCE WITH THE STANDARD PROCTOR METHOD OF MOISTURE —DENSITY RELATIONSHIP TEST, ASTM D698 OR AASHTO-89 UNLESS SPECIFIED IN OTHER SPECIFICATIONS.
3. ENTIRE AREA TO BE GRADED SHALL BE CLEARED AND GRUBBED. NO FILL SHALL BE PLACED ON ANY AREA NOT CLEARED AND GRUBBED.
4. ALL SOIL EROSION CONTROL MEASURES REQUIRED BY THE GRADING PLAN SHALL BE PERFORMED PRIOR TO GRADING, CLEARING AND GRUBBING. ALL EROSION CONTROL DEVICES SUCH AS SILT FENCE, ETC., SHALL BE MAINTAINED BY CONTRACTOR FOR THE LIFE OF THE PROJECT AND SHALL BE REMOVED AT THE COMPLETION OF THE PROJECT ONLY ON THE ENGINEER'S APPROVAL. PAVEMENT SHALL BE KEPT CLEAN AND FREE OF DEBRIS AT ALL TIMES. IF DURING THE USE OF THIS PROJECT A STORM CAUSES SOIL EROSION WHICH CHANGES FINISH GRADES OR CREATES "GULLIES" AND "WASHED AREAS", THESE SHALL BE REPAIRED AT NO EXTRA COST, AND ALL SILT WASHED OFF OF THE PROJECT SITE ONTO ADJACENT PROPERTY SHALL BE REMOVED AT NO EXTRA COST. THE CONTRACTOR SHALL ADHERE TO ANY APPROVED EROSION CONTROL PLANS WHETHER INCLUDED IN THE CONSTRUCTION PLANS OR UNDER SEPARATE COVER.
5. DISPOSABLE MATERIAL
   a. CLEARING AND GRUBBING WASTES SHALL BE REMOVED FROM THE SITE AND PROPERLY DISPOSED OF BY THE CONTRACTOR AT HIS EXPENSE, UNLESS SPECIFIED OTHERWISE.
   b. SOIL WASTE TO BE REMOVED, SUCH AS SIDEWALKS, CURBS, PAVEMENT, ETC. MAY BE PLACED IN SPECIFIC DISPOSAL AREA DESIGNATED ON THE PLANS OR REMOVED FROM THE SITE AS REQUIRED BY THE SPECIFICATIONS. THIS MATERIAL HAVE A MINIMUM COVER OF 2'. THE CONTRACTOR SHALL MAINTAIN SPECIFIED COMPACTION REQUIREMENTS IN THESE AREAS. WHEN DISPOSAL SITES ARE NOT PROVIDED, THE CONTRACTOR SHALL REMOVE THIS WASTE FROM THE SITE AND PROPERLY DISPOSE OF IT AT HIS EXPENSE.
   c. ABANDONED UTILITIES SUCH AS GASWORKS, WATER PIPE, HYDRANTS, CASTINGS, GAS APPURTENANCES, UTILITY POLES, ETC. SHALL BE PROPERTY OF THE SPECIFIC UTILITY AGENCY, OR COMPANY HAVING JURISDICTION. BEFORE THE CONTRACTOR CAN REMOVE, DESTROY, SALVAGE, RESALE, SELL, OR STORE FOR HIS OWN USE ANY ABANDONED UTILITY, HE MUST PRESENT TO THE OWNER WRITTEN POSSESSION FROM THE UTILITY INVOLVED.
   d. ON SITE BURNING IS NOT AN ACCEPTABLE METHOD OF DISPOSING OF FLAMMABLE WASTE.
6. IN THE EVENT EXCESSIVE GROUNDWATER OR SPRINGS ARE ENCOUNTERED WITHIN THE LIMITS OF CONSTRUCTION, THE CONTRACTOR SHALL INSTALL NECESSARY UNDER DRAINS AND STONE AS DIRECTED BY THE ENGINEER. ALL WORK SHALL BE PAID BASED UPON UNIT BIDS, UNLESS SPECIFIED OTHERWISE.
7. THE CONTRACTOR IS RESPONSIBLE FOR THE COORDINATION OF ADJUSTMENT OF ALL UTILITY SURFACE ACCESSES WHETHER HE PERFORMS THE WORK OR A UTILITY COMPANY PERFORMS THE WORK.
8. THE CONTRACTOR SHALL CONTROL ALL "DUST" BY PERIODIC WATERING AND SHALL PROVIDE ACCESS AT ALL TIMES FOR PROPERTY OWNERS WITHIN THE PROJECT AREA AND FOR EMERGENCY VEHICLES. ALL OPEN DITCHES AND HAZARDOUS AREA SHALL BE CLEARLY MARKED IN ACCORDANCE WITH THE SPECIFICATIONS.
9. ALL AREAS WHERE THERE IS EXPOSED DIRT SHALL BE SEEDED, FERTILIZED, AND MULCHED ACCORDING TO THE SPECIFICATIONS. THE FINISHED SURFACE SHALL BE TO GRADE AND SMOOTH, FREE OF ALL ROCKS LARGER THAN 3", EQUIPMENT TRACKS, DIRT CLODS, RUTS, RIDGES, AND CLUMPS PRIOR TO SEEDING. THE SURFACE SHALL BE LOOSENED TO A DEPTH OF 1"-6" +/- TO ACCEPT SEED. THE CONTRACTOR SHALL NOT PROCEED WITH SEEDING OPERATIONS WITHOUT FIRST OBTAINING THE ENGINEERS APPROVAL OF THE GRADED SURFACE. ALL SEEDING SHALL BE PERFORMED BY A MECHANICAL "HYDRO-SEEDER". HAND SEEDING SHALL BE AUTHORIZED ON AN AREA BY AREA APPROVAL BY THE ENGINEER.
10. ALL CORRUGATED METAL STORM DRAINPIPES (CSP) SHALL BE ALUMINIZED TYPE 2 CORRUGATED STEEL MANUFACTURED IN ACCORDANCE WITH THE REQUIREMENTS OF AASHTO M-36. THE PIPE SHALL BE MANUFACTURED FROM ALUMINIZED STEEL TYPE 2 MATERIAL CONFORMING TO THE REQUIREMENTS OF AASHTO M-274. ALL PIPES SHALL BE FURNISHED WITH PERFORATED ENDS AND SHALL BE JOINED WITH HUGGER BANDS. THE USE OF SPLICE BANDS WILL NOT ALLOWED. PIPE THROUGH 24" DIAMETER SHALL BE 16 GAUGE, PIPE THROUGH 42" DIAMETER SHALL BE 14 GAUGE, AND PIPE THROUGH 54" DIAMETER SHALL BE 12 GAUGE FOR CSP PIPE INSTALLED AT 15% GRADIENT OR HIGHER, PROVIDE WATER TIGHT GASKETS.

    ALL HDPE STORM DRAINAGE PIPING SHALL BE CORRUGATED PROFILE WALL POLYETHYLENE PIPE AND FITTINGS WITH AN INTERIOR LINER AS PER ASTM DESIGNATION F 2306/F 2306M-05. FOR HDPE PIPE INSTALLED AT 15 FPS VELOCITY OR HIGHER, PROVIDE WATER TIGHT O-RING JOINTS.
11. CONTRACTOR SHALL VERIFY ELEVATIONS BEFORE INSTALLATION OF FACILITIES.
12. CATCH BASINS, CAST-IN-PLACE SHALL CONFORM TO THE REQUIREMENTS OF NCDOT STANDARDS SPECIFICATIONS FOR ROADS AND STRUCTURES (LATEST EDITION) ARTICLES 840-1 THROUGH 840-3 CURB INLET CAP BASIN SHALL CONFORM TO NCDOT STANDARD DETAILS 840.03 THROUGH 840.06. DROP INLET CONFORMS TO STANDARD DETAIL 840.14. JUNCTION BOX SHALL CONFORM THE STANDARD DETAIL 840.31.
13. CURB INLET FRAME, GRATE AND HOOD SHALL BE NEENAH R-3533D, PRODUCTS BY DEMCO 8808, U.S. FOUNDRY OR EQUAL. DROP INLET FRAME AND GRATE SHALL BE NEENAH R-3333BA OR EQUAL. FIELD INLET COVER SHALL CONFORM TO NCDOT STANDARD DETAIL 840.04. OPENING FACING UPSTREAM.
14. CONCRETE AND MASONRY SHALL MEET THE REQUIREMENTS OF APPROPRIATE SECTION OF NCDOT STANDARD SPECIFICATIONS FOR ROAD AND STRUCTURES (LATEST EDITION). CONCRETE SHALL BE CLASS A OR B, 4000 PSI MINIMUM MEETING THE REQUIREMENTS OF REQUIREMENTS OF SECTION 825, CONSTRUCTED IN ACCORDANCE WITH SECTION 825. MASONRY SHALL MEET THE REQUIREMENTS OF SECTION 840, CONSTRUCTED IN ACCORDANCE WITH SECTION 838 AND / OR 839.
15. TOPS OF PROPOSED FRAMES AND GRATES SHALL BE FLUSH WITH FINISHED GRADE.
16. TYPICAL PRE-CAST, CONCRETE BOXES ARE ACCEPTABLE ALTERNATIVES FOR PROPOSED CATCH BASINS.

ENGINEER'S NOTES:

1. THE ENGINEER HAS MADE DILIGENT ATTEMPTS TO LOCATE EXISTING UTILITIES. IT IS THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY THE LOCATIONS OF ALL UTILITIES PRIOR TO CONSTRUCTION AND TO NOTE ANY CONFLICTS. ANY DAMAGE TO UTILITIES OCCURRED DURING CONSTRUCTION IS THE RESPONSIBILITY OF THE CONTRACTOR, AND IS TO BE REPAIRED IN A TIMELY MANNER AND AT THE CONTRACTOR'S EXPENSE. CALL CAROLINA ONE-CALL AT LEAST 48 HOURS PRIOR TO DIGGING (EXCLUDES WEEKENDS AND HOLIDAYS) AT 1-800-632-4949.
2. THESE PLANS WERE PREPARED BY: MERCER DESIGN GROUP, PO. 204 STONE RIDGE BLVD. P.O. BOX 1316, WAYNESVILLE, NORTH CAROLINA 28787; PHONE (828) 648-7058, FAX (828) 648-7714; CONTACT: MATHU MERCER, P.E.
3. THE EXISTING BOUNDARIES FOR THIS PLAN WAS PROVIDED BY FIELD SURVEY BY BANKS CREEK SURVEYING, P.A., CH, ON ABOUT AUGUST OF 2007. RIGHT-OF-WAYS AND PROPERTY LINES WERE VERIFIED BY FIELD SURVEY.
4. ALL CONSTRUCTION ITEMS CONTAINED IN THIS DESIGN PACKAGE SHALL BE PERFORMED BY A N.C. LICENSED CONTRACTOR AND SHALL BE CONSTRUCTED IN STRICT ACCORDANCE WITH APPLICABLE N.C. BUILDING CODE.
5. NO PORTION OF THE PROJECT SITE LIES WITHIN REGULATED FLOOD ZONE AS DETERMINED BY FEMA.
6. ANY BORROW SOIL, IF REQUIRED SHALL BE OBTAINED FROM PERMITTED SITES ONLY. IF NECESSARY, THE CONTRACTOR SHALL SUBMIT THE PERMIT NUMBER OF THE BORROW SITE TO THE APPROPRIATE REGULATORY AGENCY ISSUING THE LAND DISTURBANCE PERMIT.
7. THE CONTRACTOR SHALL MAKE ALL EXCAVATIONS IN ACCORDANCE WITH THE RULES AND REGULATIONS PROMULGATED BY THE DEPARTMENT OF LABOR, OCCUPATION SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION. THE CONTRACTOR SHALL FURNISH, PUT IN PLACE, AND MAINTAIN SUCH SHEETING, BRACING, ETC. AS MAY BE NECESSARY TO SUPPORT THE SIDES OF THE EXCAVATION AND TO PREVENT ANY MOVEMENT OF EARTH WHICH COULD IN ANY WAY ENDANGER THE WORK OR ENDANGER ADJACENT STRUCTURES, ROADS, UTILITIES, OR OTHER IMPROVEMENTS.
8. ALL CUT SLOPES SHALL HAVE A MAXIMUM SLOPE OF 1:1 TO 1:1½, FILL SLOPES SHALL HAVE A MAXIMUM SLOPE OF 2 TO 1 UNLESS OTHERWISE PROVIDED FOR BY RETENTION SYSTEMS.
9. THE LIMITS OF DISTURBANCE HAVE BEEN SHOWN ON THE PLANS. THE TOTAL AREA TO BE DISTURBED FOR THIS PROJECT IS 0.68 ACRES.
10. THE ESTIMATED COMPLETION TIME OF THIS PROJECT IS SUMMER OF 2014.

CITY OF ASHEVILLE
EROSION CONTROL NOTES

GENERAL: ALL EROSION CONTROL MEASURES ARE TO BE PERFORMED IN STRICT ACCORDANCE WITH REQUIREMENTS OF THE CITY OF ASHEVILLE. THE FOLLOWING CONSTRUCTION SEQUENCE SHALL BE COMPLIED WITH FOR ALL WORK.

1. OBTAIN LAND-DISTURBING PERMITS.
2. INSTALL ALL EROSION CONTROL MEASURES AS PER PLANS APPROVED BY CITY OF ASHEVILLE AND/OR AS DIRECTED BY CITY OF ASHEVILLE INSPECTORS.

   EFFECTIVE THIS REGULATION, AS TO NON-RESIDENTIAL SHALL BE APPLIED TO SYSTEM CONSTRUCTION PROJECTS:
   AS INSTALL ALL CONSTRUCTION MEASURES SUCH AS SILT FENCES, ETC. AHEAD OF UTILITY CONSTRUCTION ACTIVITIES.
3. OBTAIN CERTIFICATE OF COMPLIANCE THROUGH ON-SITE INSPECTION BY A REPRESENTATIVE OF CITY OF ASHEVILLE.
4. PROCEED WITH UTILITY INSTALLATIONS.
5. TEMPORARY AND PERMANENT SEEDING SHALL BE PERFORMED IN ACCORDANCE WITH CITY OF ASHEVILLE AND THE STATE OF NORTH CAROLINA, EROSION AND SEDIMENT CONTROL PLANNING AND DESIGN MANUAL SPECIFICATIONS AND THEREAFTER ALL SEED AND MULCH DISTURBED AREAS WITHIN 14 WORKING DAYS AFTER FINISHED GRADE ARE ESTABLISHED, ALL AREAS OF 7:1 OR GREATER SHALL WITHIN 7 CALENDAR DAYS OF COMPLETION OF ANY PHASE OF GRADING BE PLANTED OR OTHERWISE PROVIDED WITH TEMPORARY OR PERMANENT GROUND COVER, DEVICES OR STRUCTURES SUFFICIENT TO RESTRAIN EROSION.
6. SEED AND SOIL AMENDMENTS SHALL BE PLACED ON A PREPARED SEEDBED AT THE FOLLOWING RATES PER ACRE (COUPLED WITH LATEST DESIGN MANUAL SPECIFICATIONS):

TEMPORARY SEEDING SPECIFICATIONS

MIXTURE			
SEEDING DATES: ABOVE 2500 FEET: FEB. 15 – MAY 15; BELOW 2500 FEET: FEB. 1 – MAY 1		SEEDING DATES: MAY 15 – JUNE 15	
SPECIES	RATE (LB/ACRE)	SPECIES	RATE (LB/ACRE)
RYE (GRAIN)	120	GERMAN MILLET	40
ANNUAL LESPEDEZA (KOREAN OR KOBE TYPE)	50		

PERMANENT SEEDING SPECIFICATIONS

STEEP SLOPES, AVERAGE SOIL: LOW MAINTENANCE	
SEEDING RATES: ABOVE 2500 FEET: JULY 25 – AUG. 15 (PREFERRED); AUG. 20 – SEPT. 10 (ACCEPTABLE); BELOW 2500 FEET: AUG. 15 – SEPT. 1 (PREFERRED); SEPT. 25 – OCT. 15 (ACCEPTABLE)	
MIXTURE PLANTS: BETWEEN MAY 1 AND JUNE 15, ADD 10 LB/ACRE KOREAN LESPEDEZA OR 15 LB/ACRE KOBE LESPEDEZA. FROM 10 MAY 1 ON AFTER AUG. 15, ADD 40 LB/ACRE RYE (GRAIN). IT MAY BE NECESSARY TO MULCH THE GRASSES AT LATE SEEDING AND ENCLOSE THE LESPEDEZAS IN WINTER.	
SPECIES	RATE (LB/ACRE)
TALL FESCUE	100
SERICEA LESPEDEZA	50
KOREAN LESPEDEZA	10
BAHIA	10
BERMUDA (UNHULLED)	5
GRADED SEEDING STAGES IN FULL: THE START DATES IS SPACED ON SITE IN – 100 LAST – FINISH SLOPE.	

SOIL AMENDMENTS	SOIL AMENDMENTS
FOLLOW RECOMMENDATIONS OF SOIL TESTS OR APPLY 2,000 LB/ACRE GROUND AGRICULTURAL LIMESTONE AND 750 LB/ACRE 10-20-20 FERTILIZER.	APPLY LIME AND FERTILIZER ACCORDING TO SOIL TESTS OR APPLY 4,000 LB/ACRE GROUND AGRICULTURAL LIMESTONE AND 1,000 LB/ACRE 6-20-20 FERTILIZER.
MULCH: APPLY 4,000 LB/ACRE STRAW, ANCHOR STRAW BY CRIMPING WITH ASPHALT, NETTING, OR A MULCH ANCHORING TOOL. A DISC WITH BLADES SET STRAIGHT DOWN CAN BE USED AS A MULCH ANCHORING TOOL.	MULCH: APPLY 4,000 — 6,000 LB/ACRE GRAIN STRAW OR EQUIVALENT COVER OF ANOTHER SUITABLE MULCHING MATERIAL. ANCHOR MULCH BY CRIMPING WITH ASPHALT, NETTING, OR MULCHING LIQUIDS IN THE PREFERRED ANCHORING METHOD ON STEEP SLOPES.
MAINTENANCE: INSPECTION AFTER EACH RAIN AND REPAIR AS NEEDED. APPEARANCE OF CROPS IS NOT FULLY ADEQUATE, REVISE, REFERENCE AND MULCH IMMEDIATELY FOLLOWED DESIGN OR OTHER SURFACE.	MAINTENANCE: DO NOT MOW THEM ONCE A YEAR, AFTERTIME IF THE SECOND YEAR GROWTH GROWTH IS FULLY ADEQUATE. REFERENCE, FERTILIZE, AND MULCH DAMAGED AREAS IMMEDIATELY.

7. INSTALL SEALED EROSION CONTROL FABRIC ON ALL CUT AND FILL SLOPES COMPLETED BETWEEN OCTOBER 15TH AND MARCH 15TH.
8. IT IS RECOMMENDED FOR CONTRACTOR TO STOCKPILE TOPSOIL TO ASSIST IN GRASSING.
9. MAINTAIN SOIL EROSION CONTROL MEASURES UNTIL PERMANENT GROUND COVER IS ESTABLISHED.
10. AFTER PERMANENT GROUND COVER ESTABLISHED HAS BEEN APPROVED BY MCDOG, REMOVE SOIL EROSION CONTROL MEASURES AND STABILIZE THESE AREAS.
11. REQUEST FINAL APPROVAL BY CITY OF ASHEVILLE EROSION CONTROL DEPARTMENT.
12. THE CONTRACTOR SHALL CONTROL ALL "DUST" BY PERIODIC WATERING AND SHALL PROVIDE ACCESS AT ALL TIMES FOR PROPERTY OWNERS WITHIN THE PROJECT AREA AND FOR EMERGENCY VEHICLES.
13. FOR ALL CUT OR FILL SLOPES STEEPER THAN 2:1 AND HIGHER THAN 8', A SLOPE STABILITY ANALYSIS AND CERTIFICATION BY A LICENSED GEOTECHNICAL ENGINEER SHALL BE PERFORMED UPON INITIATION AND DURING CONSTRUCTION OF SAID SLOPES. SUBMIT GEOTECHNICAL ANALYSIS AND CERTIFICATION TO CITY OF ASHEVILLE EROSION CONTROL OFFICE UPON COMPLETION OF PROJECT. FOR SLOPES STEEPER THAN 4:1, PROVIDE NON-ERODIBLE EROSION MATTING TO ACCELERATE VEGETATIVE STABILIZATION.
14. PROVIDE TEMPORARY INLET PROTECTION FOR ANY EXISTING CULVERTS (DISCOVERED DURING CONSTRUCTION) LOCATED WITHIN THE DISTURBANCE AREA.

CONSIDERATIONS FOR CONSTRUCTION SCHEDULING

CONSTRUCTION ACTIVITY	SCHEDULE CONSIDERATION
1. CONSTRUCTION ACCESS, CONSTRUCTION STAKING, CONSTRUCTION ROADS, EQUIPMENT PARKING AREAS.	FIRST LAND-DISTURBING ACTIVITY—TIMBERS AND AREAS INCIDENTALLY RUN GRAVEL AND TEMPORARY VEGETATION AS CONSTRUCTION TAKES PLACE.
2. SEDIMENT TRAPS AND BARRIERS, BASIN TRAPS, SEDIMENT FENCES, AND OUTLET PROTECTION.	INSTALL PERIMETER SEDIMENT CONTROL MEASURES BEFORE DISTURBING ADJACENT AREAS. INSTALL ADDITIONAL TRAPS AND BARRIERS AS NEEDED DURING GRADING.
3. RUNOFF CONTROL, DIVERSIONS, DIVERTER DIKES, WATER BARS AND OUTLET PROTECTION.	INSTALL BMP PRACTICES AFTER DIVERSION, SEDIMENT TRAPS AND RUNOFF LAND GRADING. INSTALL ADDITIONAL RUNOFF CONTROL MEASURES AS NEEDED DURING GRADING.
4. LAND CLEARING AND GRADING, SITE PREPARATION—CUTTING, CLEARING, GRUBBING, STUMP DISPOSAL, FILLING AND GRADING, SEDIMENT TRAPS, BARRIERS, DIVERSIONS, MINOR SURFACE ROUGHENING.	MAKE NECESSARY STABILITY STRUCTURES AS EARLY AS FEASIBLE. INSTALL PERIMETER SAFETY CONTROLS WITH RUNOFF CONTROL MEASURES. INSTALL SEDIMENTA OF SYSTEM AFTER GRADING.
5. SURFACE STABILIZATION, TEMPORARY AND PERMANENT SEEDING, MULCHING, SODDING, RIPRAP.	STOP MAJOR CLEARING AND GRADING AFTER REMOVAL. SEDIMENT AND KEY RUNOFF CONTROL MEASURES MUST BE INSTALLED. CLEAR SLOPES FOR SEEDING, APPLY SEED AND MULCH IMMEDIATELY AFTER SEEDING AND INSTALL EROSION CONTROL MEASURES AS NEEDED. PROTECTION, MAKE DRESS AND WATER AREAS FOR PLANTING SOIL.
6. BUILDING CONSTRUCTION, PLUMBING, UTILITIES, PAVING.	APPLY TEMPORARY OR PERMANENT STABILIZATION MEASURES INCIDENTALLY ON ALL DISTURBED AREAS WHERE WORK IS DELAYED OR COMPLETE.
7. LANDSCAPING AND FINAL STABILIZATION, TOPSOILING, TREES AND SHRUBS, PERMANENT SEEDING, MULCHING, SODDING, RIPRAP.	INSTALL LAST PERMANENT EROSION AND SEDIMENT CONTROL PRACTICES AS WORK FINALLY REACHES FINISHED GRADE. PERMANENT SEEDING, MULCHING, SODDING MUST BE DONE ACCORDING TO SEASONAL LIMITATIONS. MAINTAIN ALL NEW AREAS, INCLUDING SODDED AND REPLANTED AREAS, UNTIL ESTABLISHED. REMOVE ALL TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES AFTER PERMANENT COVER IS ESTABLISHED.

MAINTENANCE

1. MAINTENANCE INSPECTIONS SHOULD BE PERFORMED WEEKLY.
2. AFTER PERIODS OF RAINFALL MAINTENANCE REPAIRS SHOULD BE MADE IMMEDIATELY.
3. SEDIMENT TRAPS SHALL BE CLEANED OUT WHENEVER THE DESIGN CAPACITY REACHES 50% OF THE TOTAL CAPACITY (50% OF THE TRAP). THE DESIGNATED DISPOSAL AREA FOR SEDIMENT TRAP CLEAN OUT MATERIAL SHALL HAVE EROSION AND SEDIMENT CONTROL MEASURES (SILT FENCES DRAWN) AND SHALL BE STABILIZED IMMEDIATELY.

BEFORE YOU DIG
CALL 1-800-632-4949
N.C. ONE-CALL CENTER
IT'S THE LAW!

BP-14-XXXX

NO.	REVISIONS/SUBMISSIONS	DATE
1	PERMITS SUBMITTAL	Sep 12, 2014 - 8:57:26 AM

DRAWING NAME:

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 040672 JOHN H. MOCK

Designed:	JHM
Drawn:	MDG
Checked:	JHM/MM
Reviewed:	JHM/MM
Scale:	NOT TO SCALE
Date:	APR 2014

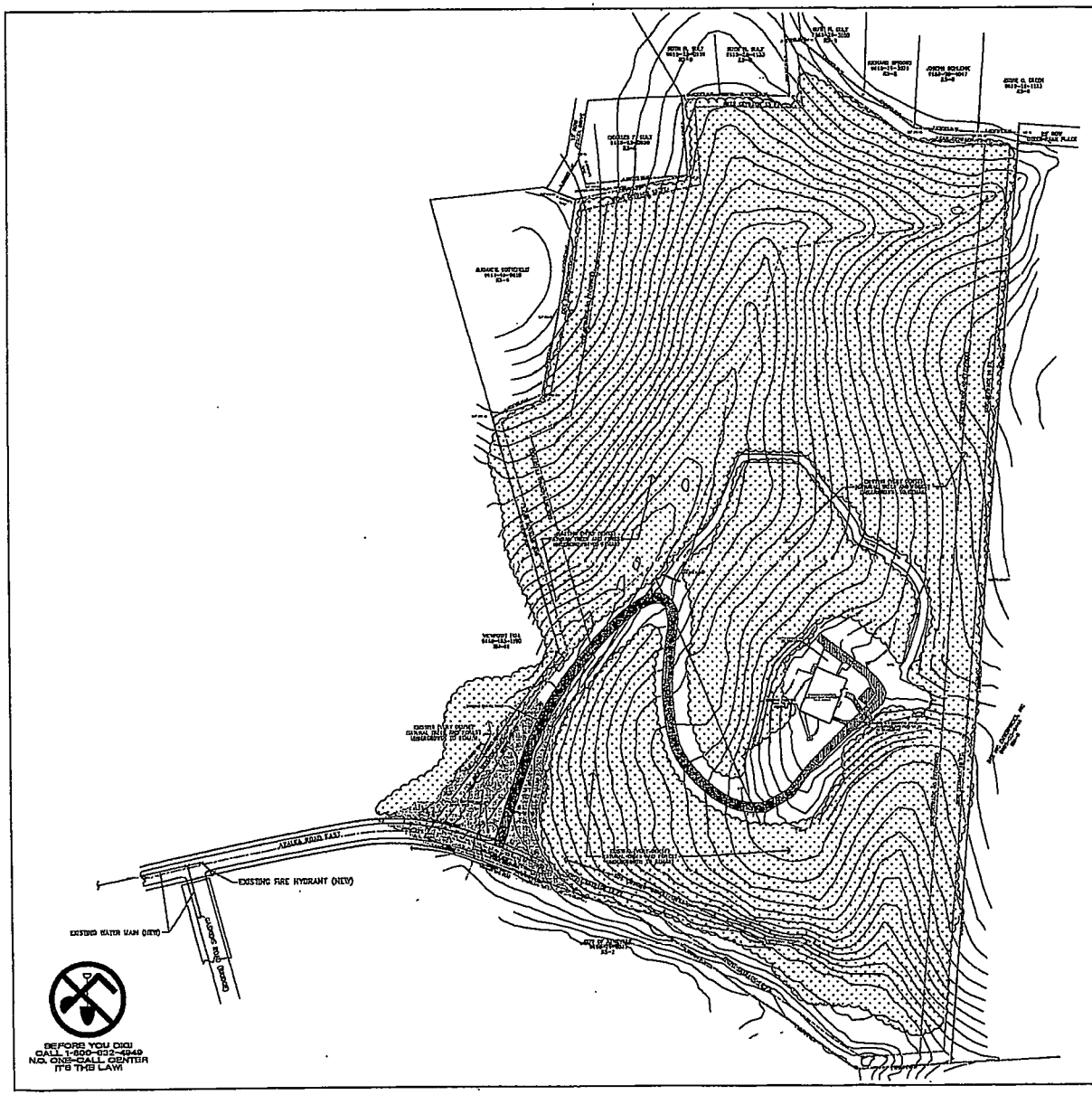
MDG ENGINEERING EXCELLENCE SINCE 1

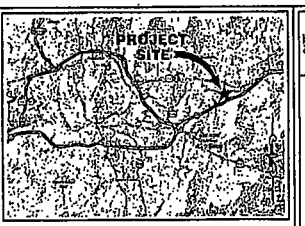
PO BOX 1316, WAYNESVILLE, NORTH CAROLINA 28786, P: 828.648.7058, F: 828.648.7714, www.mdgeng.com

ABYSA OFFICE
SITE IMPROVEMENT
BUNCOMBE COUNTY
ASHEVILLE, NORTH CAROLINA

DRAWING TITLE: VICINITY MAP & GENERAL NOTES

Sheet No.:	OF NO
Sheet:	G1
Project No.:	14-062





VICINITY MAP
Not To Scale

PROJECT DATA

PROJECT:	ABYSA OFFICE 683 ABAKA ROAD EAST ASHEVILLE, NC
OWNER:	A.V.L. INVESTMENT PROPERTIES, LLC
DEVELOPER:	ASHEVILLE BUNCOMBE YOUTH SOCCER ASSOCIATION
CONTACT:	CHRIS BROCK 10 CROPPY COURT ASHEVILLE, NC 28803
CONTACT NUMBER:	(828) 243-6705
ENGINEER:	MERCER DESIGN GROUP, PC P.O. BOX 1518 WEAVERVILLE, NC 28787 828-645-7088

SITE DATA

PROJECT PIN:	9568-25-1574
DEED BOOK/PAGE:	4919/0575
CURRENT ZONING:	RS-16
CONDITIONAL ZONING:	OFFICE (CZ)

PARCEL AGREAGE: 14.16 AC.

DISTURBED AREA= 0.67 AC.

IMPERVIOUS AREAS:
EXISTING 0.34 AC. (2.4% OF TOTAL SITE AREA)
PROPOSED 0.64 AC. (4.5% OF TOTAL SITE AREA)

REQUIRED PARKING:
MINIMUM =4,678 SF OFFICE USE/350=13 SPACES
MAXIMUM=4,678 SF OFFICE USE/230=18 SPACES

PROPOSED PARKING:
18 SPACES (INCLUDING 2 ADA SPACES)

VILLA AREA= 10,000 SF
VUA/1500 SF =7 INTER AND 28 SHRUBS

UTILITIES: WATER AND SEWER PROVIDED BY EXISTING WELL AND SEPTIC TANK/FIELD

NOTE: SITE TOPOGRAPHY WITHIN LIMITS OF DISTURBANCE SURVEYED BY DAVID MARTLEY & ASSOC. LAND SURVEYORS, PA ON ABOUT JUNE 2014. ALL TOPO DATA OUTSIDE OF LIMITS OF DISTURBANCE OBTAINED FROM BUNCOMBE COUNTY GIS DATA.

GRAPHIC SCALE
(IN FEET)
1 inch = 60 ft.

BP-14-XXXX

NO.	REVISIONS/ISSUANCES	DATE
1	PROJECT SUBMITTAL	Sep 12, 2014 - 8:14am

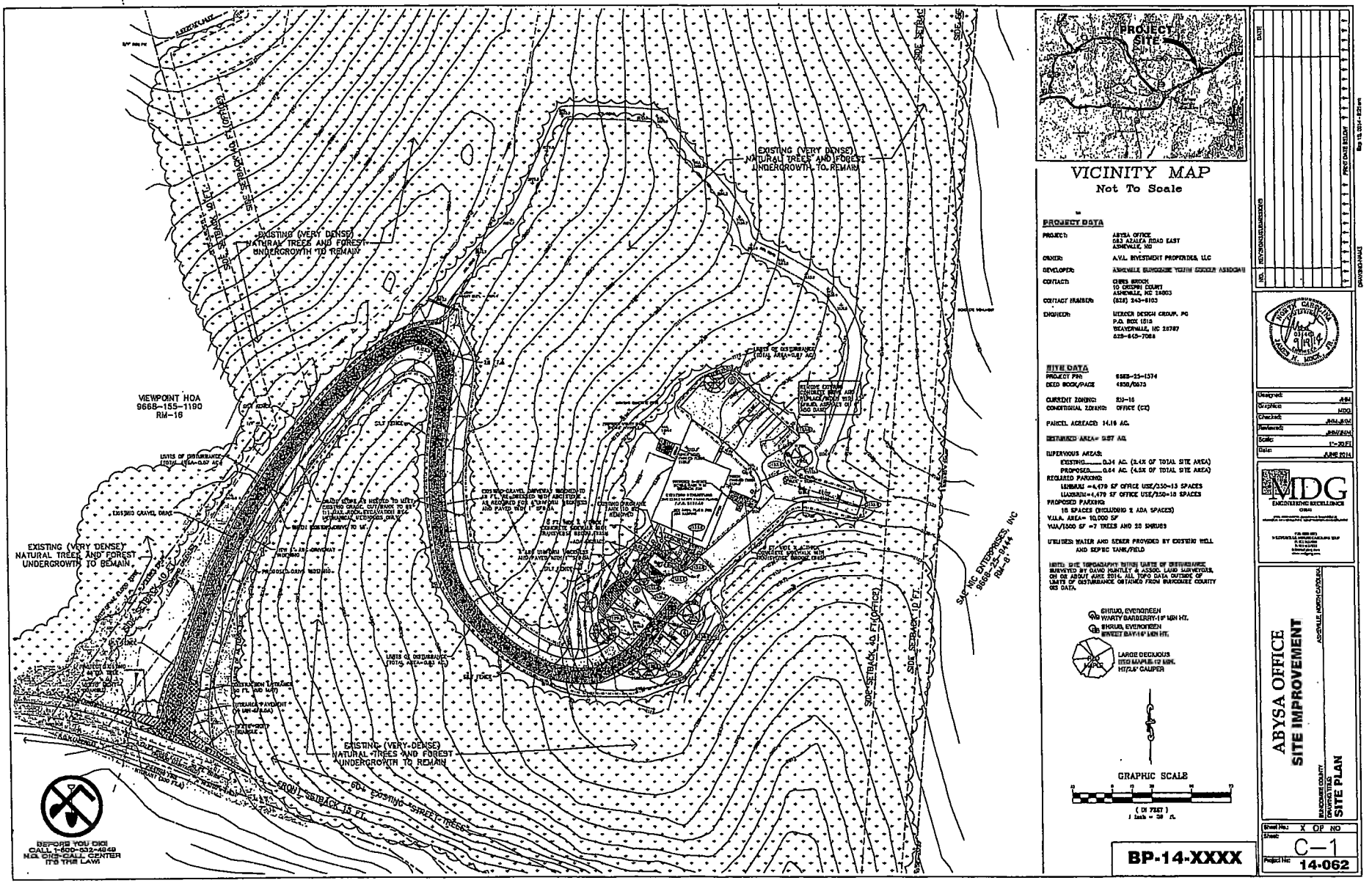
DRAWING ISSUE

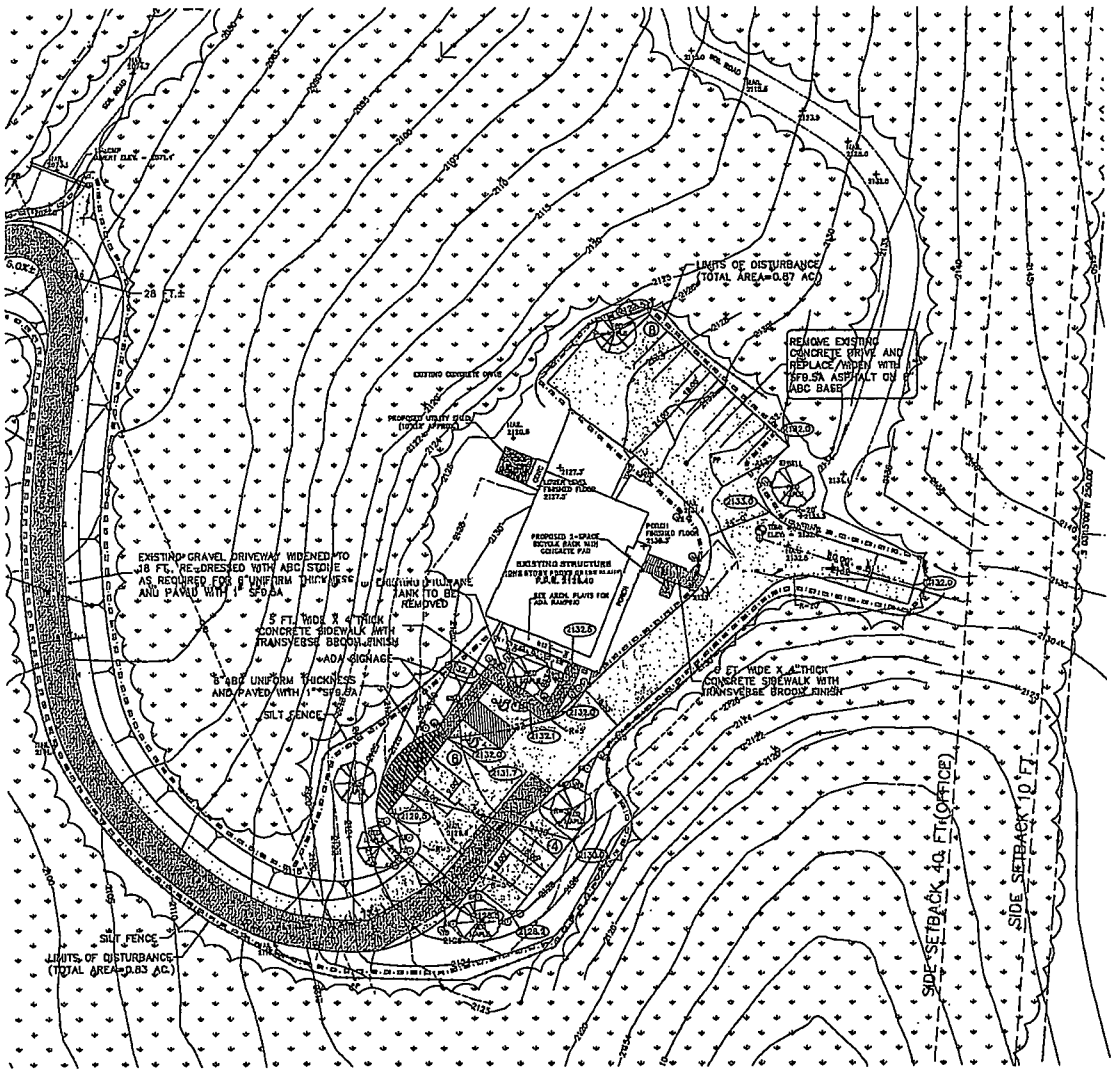
Developed: JHM
Graphics: MDG
Checked: JHM/MDG
Reviewed: JHM/MDG
Scale: 1"=60 ft
Date: JUNE 2014

MDG
ENGINEERING EXCELLENCE
CLIENT

ABYSA OFFICE
SITE IMPROVEMENT
ASHEVILLE, NORTH CAROLINA
BUNCOMBE COUNTY
DRAWING TITLE
EXISTING CONDITIONS

Sheet No.: X OF NO
Sheet: M-1
Project No.: 14-062


EXISTING (VERY DENSE) NATURAL TREES AND FOREST UNDERGROWTH TO REMAIN
EXISTING (VERY DENSE) NATURAL TREES AND FOREST UNDERGROWTH TO REMAIN
EXISTING (VERY DENSE) NATURAL TREES AND FOREST UNDERGROWTH TO REMAIN
EXISTING (VERY DENSE) NATURAL TREES AND FOREST UNDERGROWTH TO REMAIN
VIEWPOINT HOA
9668-155-1190
RM-16
SAF NC ENTERPRISES, INC
9668-25-9444
RM-8
SIDE SETBACK 10 FT.
SIDE SETBACK 10 FT.
SIDE SETBACK 10 FT.
FRONT SETBACK 15 FT.
60' Existing Street ROW
LIMITS OF DISTURBANCE (TOTAL AREA=0.97 AC)
EXISTING GRAVEL DRIVE
EXISTING GRAVEL DRIVE
EXISTING GRAVEL DRIVE


LIMITS OF DISTURBANCE (TOTAL AREA=0.87 AC)
REMOVE EXISTING CONCRETE DRIVE AND REPLACE/WIDEN WITH 1"S9.5A ASPHALT ON 6" ABC BASE
EXISTING CONCRETE DRIVE
PROPOSED UTILITY SHED (10'X12' APPROX.)
EXISTING GRAVEL DRIVEWAY WIDENED TO 18 FT, RE-DRESSED WITH ABC STONE AS REQUIRED FOR UNIFORM CROSS-SECTION AND PAVED WITH 1" S9.5A
EXISTING UNDERGROUND PROPANE TANK TO BE REMOVED
5 FT WIDE X 4" THICK CONCRETE SIDEWALK WITH TRANSVERSE BROOM FINISH
ADA SIGNAGE
6" ABC UNIFORM THICKNESS AND PAVED WITH 1" S9.5A
SILT FENCE
PROPOSED 1-SPACE BICYCLE RACK WITH CONCRETE PAD
EXISTING STRUCTURES (ONE STORY FRAME BUILDING) F.F.E. 2134.40
SEE ARCH. PLANS FOR ADA RAMPING
PROPOSED FINISHED FLOOR 2136.3
EXISTING FINISHED FLOOR 2137.7
ALWAYS SEND FINISHED FLOOR 2137.7
2132.0
2132.5
2133.0
2134.0
2135.0
2136.0
2137.0
2138.0
2139.0
2140.0
2141.0
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2161.0
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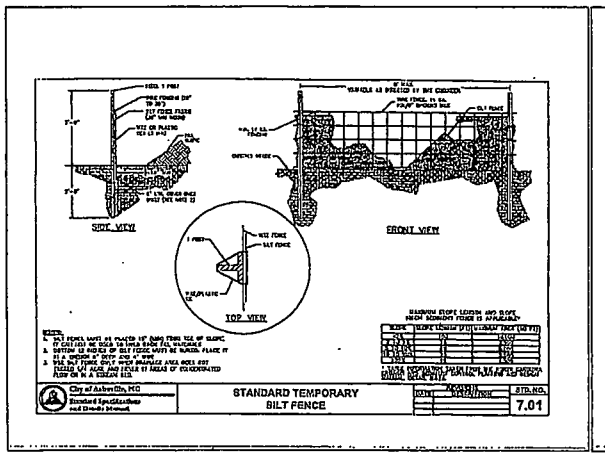
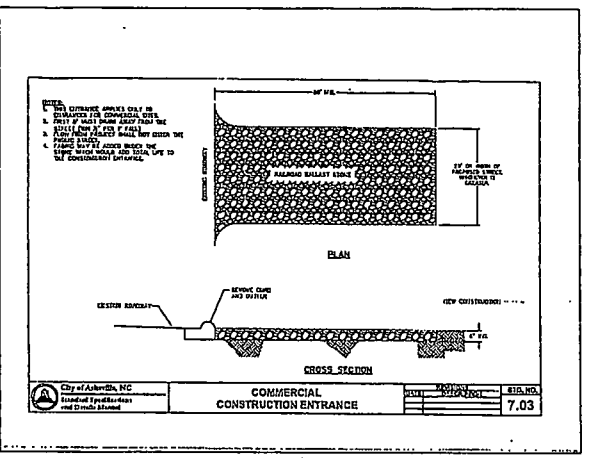
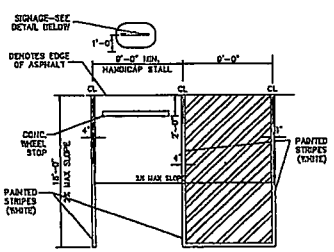
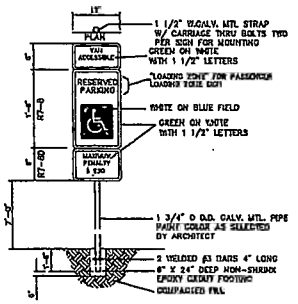


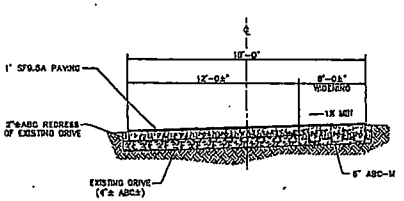




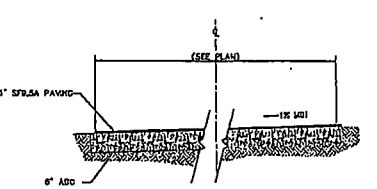
ADA PARKING
STRIPING DETAIL


PLAN
1 1/2" W.GALV. MTL STRAP W/ CARRIAGE THRU BOLTS TYP PER SIGN FOR MOUNTING
GREEN ON WHITE WITH 1 1/2" LETTERS
"LOADING ZONE" FOR PASSENGER LOADING ZONE ONLY
WHITE ON BLUE FIELD
GREEN ON WHITE WITH 1 1/2" LETTERS
1 3/4" O.D. GALV. MTL. PIPE PAINT COLOR AS SELECTED BY ARCHITECT
2 WELDED #3 BARS 4" LONG
6" X 24" DEEP NON-SHRINK EPOXY GROUT FOOTING
COMPACTED FILL

ADA PARKING SIGN



ACCESS DRIVEWAY SECTION



PARKING AREA DRIVEWAY SECTION

BEFORE YOU DIG!
CALL 1-800-632-4949
N.C. ONE-CALL CENTER
IT'S THE LAW!

BP-14-XXXX

DATE
NO. REVISIONS/SUBMISSIONS

NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT

Designed: JBM
Drafted: MCG
Checked: JBM/MM
Reviewed: JBM/MM
Scale: NOT TO SCALE
Date: JUNE 2014

VDG ENGINEERING EXCELLENCE

ABYSA OFFICE
SITE IMPROVEMENT
BUNCOMBE COUNTY
DRAWING TITLE
ASHEVILLE, NORTH CAROLINA

EROSION CONTROL & SITEWORK DETAILS

Sheet No. OF NO
Sheet: D1
Project No: 14-062

ORDINANCE NO. 4368

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED NEAR CIRCLE STREET AND HAZZARD STREET

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed ordinance amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City, and is determined to be reasonable and in the public interest for the following reasons:

(a) Higher density residential infill development at locations that are suitable for such development where sufficient basic infrastructure is supported;
(b) The proposal is adjacent to the central business district area and is close to jobs, recreation, transportation options and shopping;
(c) The land is currently vacant and will contribute to the fabric of the existing East End neighborhood.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

> The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PINs 9649.50-8286, -9208, -9332, -9372; 9649.60-0311, -0298, recorded in Plat Book 128, Page 152 and currently owned by Brandon Knolls, LLC., from Residential Multifamily Medium Density (RM8) to Residential Multifamily Medium Density Conditional Zone (RM8-CZ) (CBI-CZ). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1", attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 11th day of November, 2014.

Magdalen Burleson
City Clerk

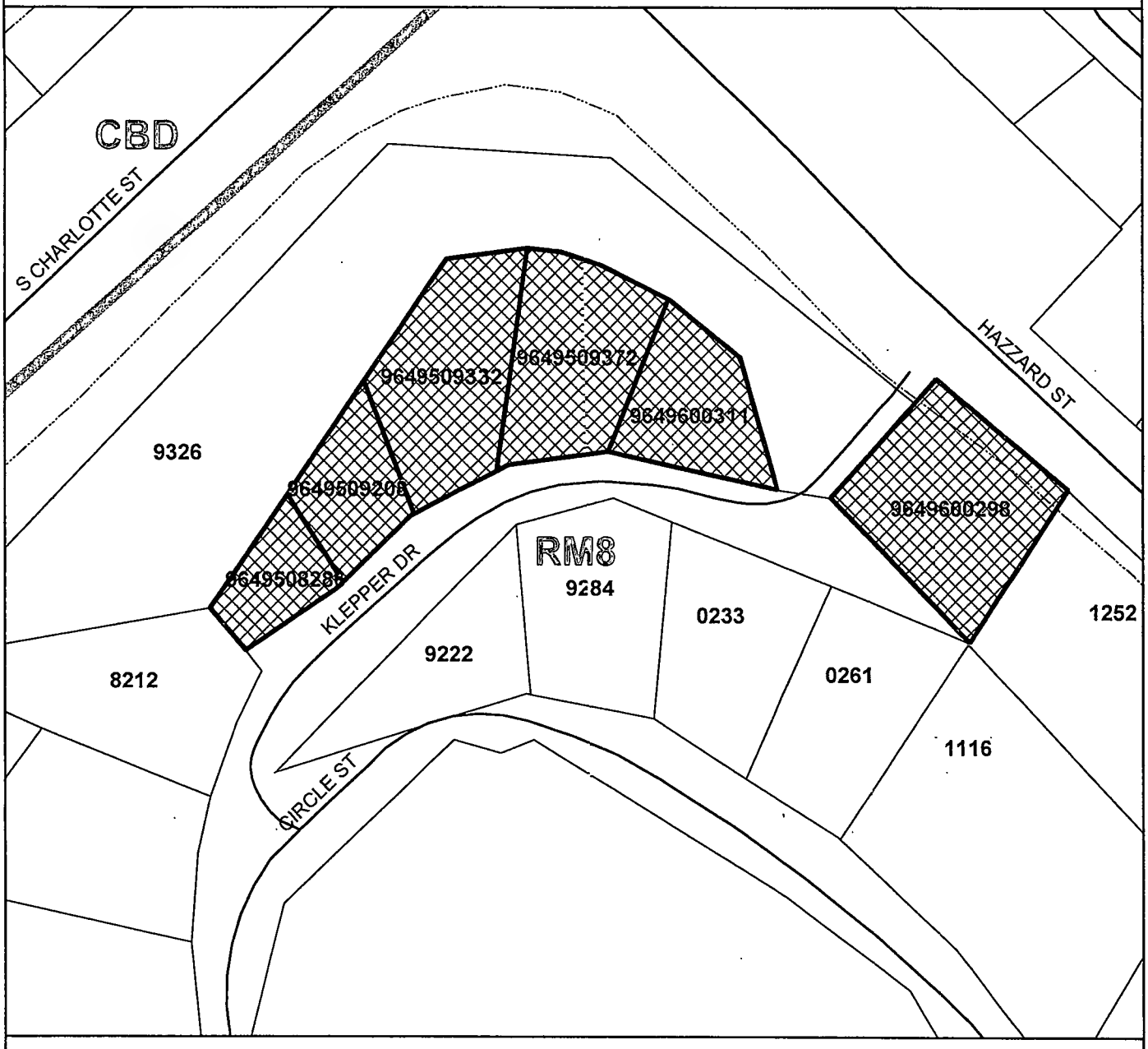
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

City of Asheville - Exhibit A Map
Klepper Drive - Conditional Zoning



Project Name:	Conditional Zoning
Project Number:	14-10175PZ
Project Description:	Road construction, flexible dev. for lot size
Petitioner(s):	Paul Dow
Parcel ID Number(s):	9649-60-0298, -0311 9649-50-9372, -9332, -9028, -8286
Location/Address:	Klepper Drive

Project Site | Parcels | Zoning Districts | Asheville City Limits | Streets | Streams

City of Asheville Planning and Development Department - September 2014

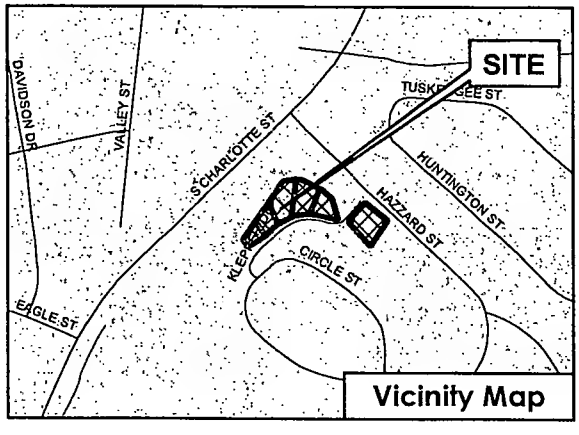


Exhibit B.1 Conditions

1. The lots can be developed with one single-family residence and typical residential accessory structures per lot.
2. The subdivision is approved for six lots.
3. Access to the subdivision will be provided by a new minimum 20 foot-wide right of way provided with at least 17 feet of pavement width.
4. Front and rear setbacks for lots 4,6,8,and 10 Klepper Drive are approved at ten feet and the front setbacks of lots 12 and 16 are approved at ten feet instead of the usual fifteen feet required in the RM8 district.
5. Lot areas be approved at between 3,147 square feet and 4,720 square feet for the six lots as shown on the plan instead of the usual 5,000 square feet required in the district.
6. The lots 4, 6, 8, and 10 Klepper Drive be approved as proposed with lot widths between 35 feet and 43 feet along the frontage with Klepper Drive.
7. A fire hydrant will be required along Klepper Drive.
8. Street signage to be installed per COA standards.
9. If Klepper Drive is a private street, a private road agreement for trash collection is required.
10. The project will require submittal and approval of grading plans for a master grading permit which will cover road work and grading on individual lots.
11. Water and sewer line extensions will be required and will follow procedures outlined by the conditional approvals issued by the Water Department and the Metropolitan Sewerage District.

ORDINANCE NO. 4369

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 11th day of November, 2014.

Magdalen Bullion
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: To budget State Funded Emergency Solutions Grant

Magdalen Bullion
City Clerk

298

City of Asheville

Budget Amendment

1. Effective Date: 11/11/2014

2014-2015

3. Amendment to Operating __ and/or Capital Project _x_ appropriation.

Community and Economic Development/Community Dev. Divis | 11/5/5014 | | **6. Department Head Signature**

4. Requesting Department | **5. Today's Date**

7. Comments/Purpose: To budget State Funded Emergency Solutions Grant

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
REVENUE			$0	
22004207:435000:D1502	$0	$0.00	$54,000	$54,000
22004207:435000:D1503	$0	$0.00	$140,492	$140,492
			$0	
			$0	
EXPENDITURE			$0	
22004209:527101:D1502	$0	$0.00	$22,000	$22,000
22004243:527101:D1502	$0	$0.00	$20,000	$20,000
22004207:528013:D1502	$0	$0.00	$12,000	$12,000
22004231:527101:D1503	$0	$0.00	$68,500	$68,500
22004213:527101:D1503	$0	$0.00	$71,992	$71,992
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget AND Research and City Clerk's office.

15. Budget & Research Approval:		**16. Date Posted:**	
16. Ordinance Number:		**By:**	
17. Date Received in Budget & Research:		**Sheet #:**	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting

ORDINANCE NO. 4370

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 11th day of November, 2014.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Thomas Wolfe Auditorium Roof

Magdalen Bullock
City Clerk

300

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2014-15

3. Amendment to Operating _x___ and/or Capital Project _x___ appropriation.

US Cellular Center	11/11/2014	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: to appropriate funding for Thomas Wolfe roof repair

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
General Fund				
Fund Balance Appropriation				
11000010 499100	$2,010,000.00		$2,070,000.00	$60,000.00
Transfer to US Cellular Capital				
11090060 800627	$111,050.00		$171,050.00	$60,000.00
US Cellular Center Op Fund				
Fund Balance Appropriation				
62600900 499100	$60,000.00		$185,000.00	$125,000.00
Transfer to US Cellular Capital				
62690900 800627	$0.00		$125,000.00	$125,000.00
US Cellular Center Cap Fund				
Transfer from General Fund				
62790905 498100 C1502	$0.00		$60,000.00	$60,000.00
Transfer from US Cellular Op Fund				
62790905 498626 C1502	$0.00		$125,000.00	$125,000.00
Infrastructure				
62700905 615101 C1502	$0.00		$185,000.00	$185,000.00

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

ORDINANCE NO. 4371

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 9th day of December, 2014.

Magdalen Boulson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

PURPOSE: This Budget Amendment increases the Beaucatcher Tank Waterline Improvement Area Capital Project Budget to $497,950 for the Construction Contract with Moore & Son, Inc.

Magdalen Boulson
City Clerk

302

City of Asheville
Budget Amendment

1. Effective Date: 12/9/2014
2. Fiscal Year: 2014-15

3. Amendment to Operating __ and/or Capital Project _X_ appropriation.

4. Requesting Department	5. Today's Date	6. Department Head Signature
Water Resources	12/9/2014	

7. Comments/Purpose: Increase the Beaucatcher Tank Waterline Improvement Budget for Construction Contract with Moore & Son as approved by CC on 12/9/14.

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Walnut Cove Pump Replacement				
Transfer Water Operating 12				
61100911 - 498616 - W1104	$350,000.00	$350,000.00	$0.00	($350,000)
Professional Services				
61100911 - 521002 - W1104	$30,000.00	$30,000.00	$0.00	($30,000)
Construction				
61100911 - 616102 - W1104	$320,000.00	$320,000.00	$0.00	($320,000)
Riddle Road WL Replacement				
Transfer Water Operating 12				
61100911 - 498616 - W1214	$22,950.00	$22,950.00	$0.00	($22,950)
Professional Services				
61100911 - 521002 - W1214	$62,900.00	$34,052.57	$39,950.00	($22,950)
Beaucatcher Tank WL Improvements				
Transfer Water Operating 12				
61100911 - 498616 - W1005	$0.00	$0.00	$372,950.00	$372,950
Construction				
61100911 - 616102 - W1005	$125,000.00	$125,000.00	$497,950.00	$372,950
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4372

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this December 9, 2014

Magdalen Burleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: This Budget Amendment is to increase the budget for Senior Opportunity Center by $3,893, and to increase the budget for Harvest House by $3,893, to make improvements and replace equipment as a result of an allocation from the Senior Center General Purpose Funding from the North Carolina Department of Health and Human Services, Division on Aging and the Land of Sky Regional Council/Area Agency on Aging.

Magdalen Burleson
City Clerk

304

City of Asheville
Budget Amendment

1. Effective Date: 12/9/2014
2. Fiscal Year: 2014-15

3. Amendment to Operating __X__ and/or Capital Project ____ appropriation.

4. Requesting Department	5. Today's Date	6. Department Head Signature
Parks and Recreation	11/18/2014	

7. Comments/Purpose: Establish budgets due to an appropriation from the State of North Carolina, Department of Health and Human Services, Division on Aging and the Land of Sky Regional Council / Area Agency on Aging, through the Senior Center General F Purpose Funding 2014/2015 for the Senior Opportunity Center and the Harvest House.

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
REVENUE *(Senior Opportunity 2015)*				
Senior General Purpose Funding				
11008324-436000	0.00	$0.00	$3,893.00	$3,893.00
EXPENDITURE *(Senior Opportunity 2015)*				
Contracted Services			$1,500.00	$1,500.00
11008324-521001	0.00	$0.00		
Supplies - Other				
11008324-524001	0.00	$0.00	$2,393.00	$2,393.00
REVENUE *(Harvest House 2015)*				
Senior General Purpose Funding				
11008323-436000	0.00	$0.00	$3,893.00	$3,893.00
EXPENDITURE *(Harvest House 2015)*				
Contracted Services			$2,500.00	$2,500.00
Supplies - Other				
11008323-524001	0.00	$0.00	$1,393.00	$1,393.00
			13. Balance of Transaction:	

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		**19. Date Posted:**	
16. Ordinance Number:		**By:**	
17. Date Received in Budget & Research:		**Sheet #:**	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4373

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 9th day of December, 2014.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Technical Budget Amendment

Magdalen Burleson
City Clerk

306

City of Asheville

Budget Amendment Details

1. Effective Date: 12/9/2014

2. Fiscal Year: 2014-15

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

4. Requesting Department	5. Today's Date	6. Preparer's Name
Finance		

7. Comments/Purpose:	Technical Budget Amendment to appropriate funding for prior year contracts and purchase orders that rolled forward to FY 2014-15.

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Approp Fund Bal Res for Enc			$0	
11000010:499101	$0	$0	$4,485,488	4,485,487.97
Approp Fund Bal Res for Enc			$0	
61000911:499101	$0	$0	$430,066	430,065.84
Approp Fund Bal Res for Enc			$0	
62000220:499101	$0	$0	$168,357	168,357.08
Approp Fund Bal Res for Enc			$0	
62200314:499101	$0	$0	$128,654	128,653.52
Approp Fund Bal Res for Enc			$0	
62400320:499101	$0	$0	$314,610	314,609.91
Approp Fund Bal Res for Enc			$0	
62600900:499101	$0	$0	$33,909	33,908.77
Approp Fund Bal Res for Enc			$0	
65000951:499101	$0	$0	$113,384	113,384.29
Approp Fund Bal Res for Enc			$0	
81100043:499101	$0	$0	$49,130	49,130.49
Approp Fund Bal Res for Enc			$0	
81300038:499101	$0	$0	$9,064	9,063.70
			$0	
Expenditures:			$0	
Various Accouts			$0	
11000010:52XXXX	$0	$0	$4,485,488	4,485,487.97
Various Accouts			$0	
61000911:52XXXX	$0	$0	$430,066	430,065.84
Various Accouts			$0	
62000220:52XXXX	$0	$0	$168,357	168,357.08
Various Accouts			$0	
62200314:52XXXX	$0	$0	$128,654	128,653.52
Various Accouts			$0	
62400320:52XXXX	$0	$0	$314,610	314,609.91
Various Accouts			$0	
62600900:52XXXX	$0	$0	$33,909	33,908.77
Various Accouts			$0	
65000951:52XXXX	$0	$0	$113,384	113,384.29
Various Accouts			$0	
81100043:52XXXX	$0	$0	$49,130	49,130.49
Various Accouts			$0	
81300038:52XXXX	$0	$0	$9,064	9,063.70
			$0	
	$0	$0	$0	

13. Balance of Transaction: 0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

BUDREVIS.XLS

ORDINANCE NO. 4374

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE CONCERNING MAXIMUM RESIDENTIAL DENSTITIES ALLOWED IN CERTAIN ZONING DISTRICTS

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Unified Development Ordinance of the City of Asheville currently provides residential density limits for most zoning districts; and

WHEREAS, it has been determined that existing density limits in selected districts warrant reconsideration; and

WHEREAS, providing greater opportunities for construction of multi-family housing in commercial areas and near corridors is beneficial for the City of Asheville; and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the following reasons: 1) References to the benefits of higher-density residential development in corridors closer to jobs are found throughout the 2025 Comprehensive Plans; 2) Encouraging more density on transit routes is also a stated objective in the Comprehensive Plan; 3) Affordable housing, a goal of both the Comprehensive Plan, City Council Strategic Plan and multiple other adopted plans would be furthered; 4) The goal of promoting more mixed-use infill development figures prominently in the Comprehensive Plan as as the City Council Strategic Plan and increased density allows for more of this type of development; ; and

WHEREAS, this proposed change to the ordinance is determined to be reasonable and in the public interest as follows:

a. It will encourage infill development in areas where current density limits may have inhibited desirable high-impact projects.
b. It is intended to stimulate construction of mixed-income housing (including affordable) on location-efficient corridors.
c. It will prevent residential development of land with industrial potential while study of industrial land is conducted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT THE UNIFIED DEVELOPMENT ORDINANCE IS MODIFIED AS NOTED BELOW:

1. Chapter 7, Article 8 (General Use Districts) of the Asheville Code of Ordinances be amended by:

a. Sec. 7-8-9(f)(1). Office District – Development Standards - Density standards to read:

1. Density standards. The maximum residential density per acre within the Office District shall be twenty (20) dwelling units; or forty (40) dwelling units if twenty percent (20%) of the dwelling

units are designated affordable. Projects including affordable units must provide a declaration of deed restrictions ensuring that rents or sale prices will remain affordable for the first ten (10) years after completion, increasing by no more than three percent (3%) per year, or the annual increase in the Consumer Price index, whichever is lower. Also, such units must be reserved for qualified households in a form satisfactory to the City Attorney.

b. Sec. 7-8-10(f)(1). Office II District – Development Standards – Density Standards to read:

1. *Density standards*. The maximum residential density per acre within the Office II District shall be twenty (20) dwelling units; or forty (40) dwelling units if twenty percent (20%) of the dwelling units are designated affordable. Projects including affordable units must provide a declaration of deed restrictions ensuring that rents or sale prices will remain affordable for the first ten (10) years after completion, increasing by no more than three percent (3%) per year, or the annual increase in the Consumer Price index, whichever is lower. Also, such units must be reserved for qualified households in a form satisfactory to the City Attorney.

c. Sec. 7-8-11(f)(1). Office Business District – Development Standards – Density Standards to read:

1. *Density standards*. The maximum residential density per acre within the Office Business District shall be twenty (20) dwelling units; or forty (40) dwelling units if twenty percent (20%) of the dwelling units are designated affordable. Projects including affordable units must provide a declaration of deed restrictions ensuring that rents or sale prices will remain affordable for the first ten (10) years after completion, increasing by no more than three percent (3%) per year, or the annual increase in the Consumer Price index, whichever is lower. Also, such units must be reserved for qualified households in a form satisfactory to the City Attorney.

d. Sec. 7-8-12(f)(1). Community Business I District – Development Standards – Density Standards to read:

1. *Density standards*. The maximum residential density per acre within the Community Business I District shall be twenty (20) dwelling units; or forty (40) dwelling units if twenty percent (20%) of the dwelling units are designated affordable. Projects including affordable units must provide a declaration of deed restrictions ensuring that rents or sale prices will remain affordable for the first ten (10) years after completion, increasing by no more than three percent (3%) per year, or the annual increase in the Consumer Price index, whichever is lower. Also, such units must be reserved for qualified households in a form satisfactory to the City Attorney.

e. Sec. 7-8-13(f)(1). Community Business II District – Development Standards – Density Standards to read:

1. *Density standards*. The maximum residential density per acre within the Community Business II District shall be twenty-five (25) dwelling units; or fifty (50) dwelling units if twenty percent (20%) of the dwelling units are designated affordable. Projects including affordable units must provide a declaration of deed restrictions ensuring that rents or sale prices will remain affordable for the first ten (10) years after completion, increasing by no more than three percent (3%) per year, or the annual increase in the Consumer Price index, whichever is lower. Also, such units must be reserved for qualified households in a form satisfactory to the City Attorney.

f. Sec. 7-8-15(f)(1).Institutional District – Development Standards – Density Standards to read:

1. *Density standards*: The maximum residential density per acre within the Institutional District shall be thirty (30) dwelling units; or sixty (60) dwelling units if twenty percent (20%) of the dwelling units are designated affordable. Projects including affordable units must provide a declaration of deed restrictions ensuring that rents or sale prices will remain affordable for the first ten (10) years after completion, increasing by no more than three percent (3%) per year, or the annual increase in the Consumer Price index, whichever is lower. Also, such units must be reserved for qualified households in a form satisfactory to the City Attorney. This density standard shall not apply to dormitories constructed on the campus of an educational institution.

g. Sec. 7-8-16(f)(1).Highway Business District – Development Standards – Density Standards to read:

1. *Density standards*. The maximum residential density per acre within the Highway Business District shall be thirty-five (35) dwelling units; or seventy (70) dwelling units if twenty percent (20%) of the dwelling units are designated affordable. Projects including affordable units must provide a declaration of deed restrictions ensuring that rents or sale prices will remain affordable for the first ten (10) years after completion, increasing by no more than three percent (3%) per year, or the annual increase in the Consumer Price index, whichever is lower. Also, such units must be reserved for qualified households in a form satisfactory to the City Attorney.

h. Sec. 7-8-17(f)(1).Regional Business District – Development Standards – Density Standards to read:

1. *Density standards*. The maximum residential density per acre within the Regional Business District shall be thirty-five (35) dwelling units; or seventy (70) dwelling units if twenty percent (20%) of the dwelling units are designated affordable. Projects including affordable units must provide a declaration of deed restrictions ensuring that rents or sale prices will remain affordable for the first ten (10) years after completion, increasing by no more than three percent (3%) per year, or the annual increase in the Consumer Price index, whichever is lower. Also, such units must be reserved for qualified households in a form satisfactory to the City Attorney.

i. Sec. 7-8-19(f)(1).River District – Development Standards – Density Standards to read:

1. *Density standards*. The maximum residential density per acre within the River District shall be thirty (30) dwelling units; or sixty (60) dwelling units if twenty percent (20%) of the dwelling units are designated affordable. Projects including affordable units must provide a declaration of deed restrictions ensuring that rents or sale prices will remain affordable for the first ten (10) years after completion, increasing by no more than three percent (3%) per year, or the annual increase in the Consumer Price index, whichever is lower. Also, such units must be reserved for qualified households in a form satisfactory to the City Attorney.

j. Sec. 7-8-20(f)(1).Commercial Industrial District – Development Standards – Density Standards to read:

1. *Density standards.* The maximum residential density per acre within the Commercial Industrial District shall be eight (8) dwelling units.

k. Sec. 7-8-24(f)(1). Neighborhood Corridor District – Development Standards – Density Standards to read:

1. *Density standards.* Maximum residential density shall be thirty-five (35) dwelling units per acre but may be increased up to a maximum of seventy (70) dwelling units per acre if affordability incentives are met according to the Community Incentive Table. Projects including affordable units must provide a declaration of deed restrictions ensuring that rents or sale prices will remain affordable for the first ten (10) years after completion, increasing by no more than three percent (3%) per year, or the annual increase in the Consumer Price index, whichever is lower. Also, such units must be reserved for qualified households in a form satisfactory to the City Attorney.

l. Sec. 7-8-24(f)(14). Neighborhood Corridor District – Development Standards – Community Incentive Table to read:

Incentives	Mixed Use	Residential	Existing Historic Structures
Density greater than 35 units per acre	Buildings more than eighty (80) feet wide fronting on corridor must incorporate retail or office uses into the street-level façade.	In combination with: twenty percent (20%) of units provided are designated affordable	Compatible adaptive reuse and/or additions to historic structures
Building square footage greater than 24,000 square feet	Minimum of 50 percent of street level gross square footage is used for retail and building setbacks adjacent to residentially zoned properties are a minimum of 40 feet	In combination with: a minimum of 25 percent of the building square feet is residential uses and a minimum of 25 percent of the units are less than or equal to 700 square feet each	Compatible adaptive reuse and/or additions to historic structures
Height greater than 3 stories to a maximum of four stories (45')	Minimum of 50 percent of street level gross square footage is used for retail and building setbacks adjacent to residentially zoned properties is expanded to a minimum of 40 feet	In combination with; a minimum of 25 percent of the building square feet are residential units and building setbacks adjacent to residentially zoned properties is expanded to a minimum of 40 feet	Compatible adaptive reuse and/or additions to historic structures

m. Sec. 7-8-25(f)(1). Urban Residential District – Development Standards – Density Standards to read:

1. *Density standards*. Maximum residential density shall be thirty-five (35) dwelling units; or seventy (70) dwelling units if twenty percent (20%) of the dwelling units are designated affordable. Projects including affordable units must provide a declaration of deed restrictions ensuring that rents or sale prices will remain affordable for the first ten (10) years after completion, increasing by no more than three percent (3%) per year, or the annual increase in the Consumer Price index, whichever is lower. Also, such units must be reserved for qualified households in a form satisfactory to the City Attorney.

2. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

3. All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

4. This ordinance will become effective upon adoption.

Read, approved and adopted this 9th of December, 2014.

Magdalen Bullson
City Clerk

Ann E. Mark
Mayor

Approved as to form:

City Attorney

Magdalen Bullson
City Clerk

312

ORDINANCE NO. 4375

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 275 & 281 HAZEL MILL ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City, and is determined to be reasonable and in the public interest for the following reasons:

a) The proposed development supports the land use goal stated in the *Asheville City Development Plan 2025* of encouraging higher density development where infrastructure is or can be provided.
b) The proposal provides for affordable and workforce housing in alignment with Council's strategic goals.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

> The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PINs 9638.39-9131 and -6188 and currently owned by White Oak Grove, LLC from Residential Multi-Family Medium Density District (RM-8) to Residential Multi-Family High Density Conditional Zoning District (RM-16CZ).A copy of the official zoning map showing said lot is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B", attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 9th day of December, 2014.

Magdalen Bullion
City Clerk

Mayor

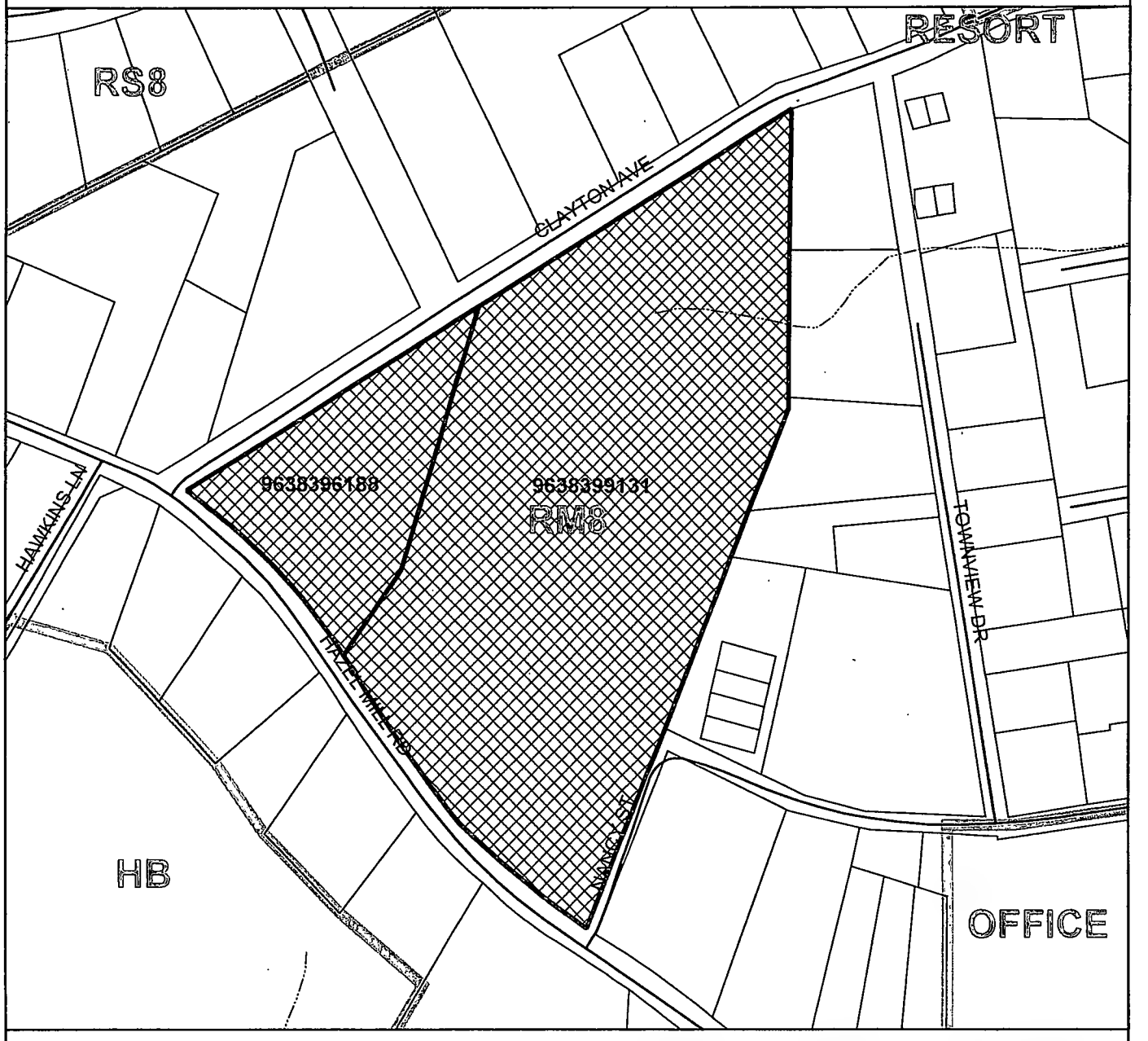
Approved as to form:

City Attorney

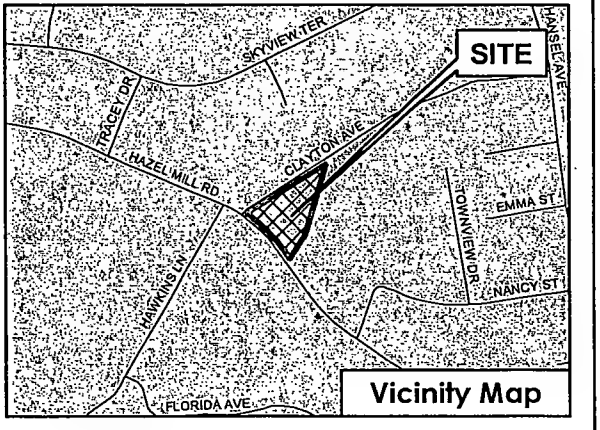
Magdalen Bullion
City Clerk

314

City of Asheville - Exhibit A Map
CZ - White Oak Grove Apartments



Project Name:	White Oak Grove Apartments
Project Number:	14-11898PZ
Project Description:	Multi Family Development
Petitioner(s):	Bob Grasso
Parcel ID Number(s):	9638-39-9131
	9638-39-6188
Location/Address:	275 & 281 Hazel Mill Road



Project Site | Parcels | Zoning Districts | Asheville City Limits | Streets | Streams

City of Asheville Planning and Development Department - September 2014

EXHIBIT B
CONDITIONS

1. Approval is for a 104 unit multi-family development on property located at 275 and 281 Hazel Mill Road.
2. The subject properties must be combined prior to zoning approval.
3. The project shall be constructed to meet Healthy Built Homes standards.
4. 10% (11) of the units shall meet the City's standards for affordability.
5. The developer shall provide annual bus passes for two years/unit and in perpetuity if a transit line returns to Hazel Mill Road.
6. The developer or property owner shall provide notice to the project's tenants that the private road off Hawkins Lane, which crosses the Harry's Cadillac Property (PIN 9638-38-4570-00000; Buncombe County Register of Deeds Book 780, Page 287) is a private road which is not available to access Patton Avenue. This notice should be printed by using a font and color sufficient to be noticed by the tenants and posted at a conspicuous location within the community. This notice shall also be provided to all new tenants in their written leases. A sample copy of the lease and posted notice shall be provided to the City prior to leasing the first unit in the project.
7. Signage shall be separately permitted and shall meet the standards of the City of Asheville Sign Ordinance (Article XIII of Chapter 7 of the Code of Ordinances).
8. All site lighting must comply with the City's Lighting Standards (Section 7-11-10 of the Code of Ordinances). Proposed lighting plans must be submitted at Final TRC.
9. All landscaping must meet the minimum size requirements set forth in Section 7-11-3(f)(3) of the UDO. All existing vegetation that is to be preserved must be indicated on the site, landscape and grading plans.
10. The building design, construction materials, and orientation on site must substantially comply with the site plan (attached hereto as Exhibit B1) and incorporated by reference. Any major deviations from these plans may result in reconsideration of the project by the reviewing boards.
11. The project shall comply with all conditions outlined in the TRC staff report as indicated below:
    a. Building counts and dwelling unit mixes shown on the buildings and in the development data block do not match in a few instances. Please correct.
    b. Need to show street trees along Nancy Street. Tree credits may suffice.
    c. Plans to count trees saved along Hazel Mill Road for street trees and other trees on site for tree save will have to be evaluated during and post-construction to determine tree health and compliance. A tree survey may be required for those trees which will be counted for credit.
    d. Show the location of proposed bicycle parking.
    e. Depict the sight visibility triangles (10 feet by 50 feet) as required by the UDO.
    f. ADA compliant access ramps are required at all proposed pedestrian crossing locations. Depict the crossing locations and required ramps on the plans. The access ramps must meet current City specifications. Provide standard detail # 3.17 *(Rev 03/08/06)* on plans.
    g. Bicycle racks must support the bicycle frame in at least two places, allowing the frame and wheel to be locked using a u-lock or cable lock; prevent the wheel of the bicycle from tipping over; not damage the bicycle; be durable and securely anchored; and allow front in or back in parking. Inverted "U" racks or "A" racks, as well as some other

designs, meet this requirement. Detailed information may be obtained from Barb Mee at (828) 232-4540.

h. Provide percent of grade on all privately maintained sidewalks (5% max) or provide fully detailed ramps. Sidewalks that are maintained by the city are allowed to follow the grade of the adjacent roadway.
i. Please provide enlarged plans to depict elevations of all stair landings, width, handrails and other technical details required to show compliance with the building codes for stairs, walks, ramps etc.
j. Plans note a "Handrail (typ)" all retaining wall locations. Changes in elevation 30" or more shall be protected with a *Guardrail.* The guardrail shall be 42" minimum in height and prevent the passage of a 21" sphere unless adjacent to a walking surface. Where adjacent to walking surfaces the guardrail shall comply with Section 1013 of the NCBC.
k. Site amenities like trash collection must be on an accessible route, also provide access to disposal within allowed reach range. Reference Fair Housing Guidelines.
l. Provide spot elevations at all accessible parking spaces, access aisles and curb ramps connecting accessible parking to accessible route.
m. Proposed new access street shall be named a new unique street name. Recommend street name suffix of CIRCLE (or abbreviated as CIR).
n. Each building should be assigned a unique building number. Buildings to the left of the access street shall be assigned even numbers. Buildings to the right of the access street shall be assigned odd numbers. Split level buildings with basement level units typically use a leading double zero unit number such as 001 series numbers, first floor units to use 100 series numbers, second floor to use 200 series numbers and so forth.
o. Applicant to submit proposed address assignment scheme to attention of Addressing Coordinator prior to submitting plans for Final TRC review.
p. A separate water plan review will be required per the terms outlined in the issued Letter of Commitment.
q. Obtain all necessary right-of-way and utility cut permits.
r. Use City of Asheville standard sidewalk details. Extend sidewalk to the property line or provide an enlargement showing issues if this is problematic.
s. Clarify type of easement for multi-use path.
t. Clarify where stormwater utilities connect to existing infrastructure.
u. Separate grading and stormwater permit applications are required and shall be submitted concurrent or prior to submittal of TRC final plans. Detailed plans and stormwater calculations will be required with the permit applications.
v. The project is not exempt from certain provisions of post-construction stormwater quality and quantity control regulations because the ultimate development or redevelopment will cumulatively result in a disturbed area that exceeds one acre. Quality and quantity stormwater management will be required in accordance with City of Asheville Unified Development Ordinance Section 7-12-2. [Ref.: City of Asheville Code of Ordinances, Part II, Section 7-12-2 (a) (7) b]
w. Any stormwater infrastructure installed as part of the re-development, regardless of the requirement for a Stormwater Permit, shall comply with the requirements of the City of Asheville Unified Development Ordinance, Section 7-12-2, the City of Asheville Standard Specifications and Details Manual and the NCDENR Stormwater BMP Manual unless otherwise approved by the Stormwater Administrator.
x. All site grading activities are to be conducted under a master Grading Permit.

y. Development of the individual apartment buildings shall each be accompanied by a grading permit application and a Grading Permit Waiver will be issued. This method will facilitate a Temporary Certificate of Compliance for the entire site and Temporary Certificates of Occupancy for each of the apartment buildings to be occupied individually. The entire site and all of the apartment buildings will receive final Certificates of Compliance and Occupancy, respectively, at the conclusion of the project.

z. Driveway Permits and/or Encroachment Agreements will be required to conduct work within the City of Asheville road rights-of-way along Hazel Mill Road and Clayton Avenue.

aa. A pre-construction conference will be required for this project. The conference will be scheduled after all City departments have completed their review, and after any required Grading and Stormwater have been approved.

bb. MSD renewed the waste water allocation approval for 104 apartments on 8/29/14. MSD approves contingent upon engineer/developer complying with requirements of allocation approval letter and any subsequent review comments.

cc. A separate plan review submittal to MSD is required for the public sewer extension/upgrade. Building permits cannot be released until separate review is complete and a permit to construct has been issued.

dd. Upon issuance of a permit to construct sewer service applications along with payment of fees will be required for each building prior to issuance of building permits. These may be done individually as permits are pulled.

ee. Certificates of Occupancy will not be released until MSD has approved the construction of the sewer extension and completed final document closeout.

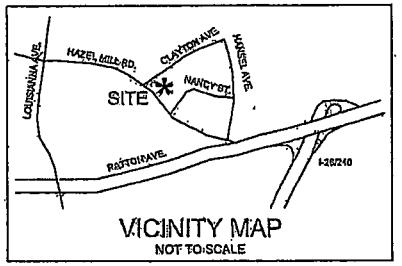
12. The project will undergo final review by the TRC prior to issuance of any permits.
13. A planning inspection is required prior to obtaining a certificate of occupancy. This inspection should be scheduled through the Development Services inspection line.

WHITE OAK GROVE APARTMENTS

275 & 281 HAZEL MILL ROAD
ASHEVILLE, NORTH CAROLINA

AUGUST 27, 2014

OWNER/DEVELOPER:	WHITE OAK GROVE, LLC 98 HORIZON HILL ROAD ASHEVILLE, NC 29904 (828) 242-0111 CONTACT: ROBERT GRASSO, MANAGING MEMBER
LAND PLANNER:	LAND PLANNING COLLABORATIVE, P.A. 17 ARLINGTON STREET, SUITE B ASHEVILLE, NORTH CAROLINA 28801 (828) 253-3600 CONTACT: ROBERT M. GRASSO, RLA
CIVIL ENGINEER:	BROOKS ENGINEERING ASSOCIATES 17 ARLINGTON STREET ASHEVILLE, NORTH CAROLINA 28801 (828) 232-4700 CONTACT: TRAVIS MAXWELL, PE
SURVEYOR:	CIPAR, INGLE, ANDERS & ASSOCIATES, INC. 29 NORTH MARKET STREET ASHEVILLE, NORTH CAROLINA 28803 (828) 258-0297 CONTACT: DAVID A. INGLE, PLS



VICINITY MAP
NOT TO SCALE

LIST OF DRAWINGS

1 SITE SURVEY
2 EXISTING CONDITIONS/DEMOLITION PLAN
3 MASTER PLAN
4 CONCEPTUAL SITE LAYOUT, MATERIALS & ZONING COMPLIANCE PLAN
5 BUILDING ELEVATIONS - BUILDING TYPE 'A'
6 BUILDING ELEVATIONS - BUILDING TYPE 'B'
7 BUILDING ELEVATIONS - BUILDING TYPE 'C'
8 BUILDING ELEVATIONS - BUILDING TYPE 'D'
9 CONCEPTUAL GRADING & EROSION CONTROL/STORMWATER PLAN
8 UTILITY PLAN
9 CONSTRUCTION STAGING PLAN
N/A STEEP SLOPE & RIDGE TOP DEVELOPMENT COMPLIANCE PLAN

P+Z Received 9/30/14

LAND PLANNING COLLABORATIVE

TITLE SHEET

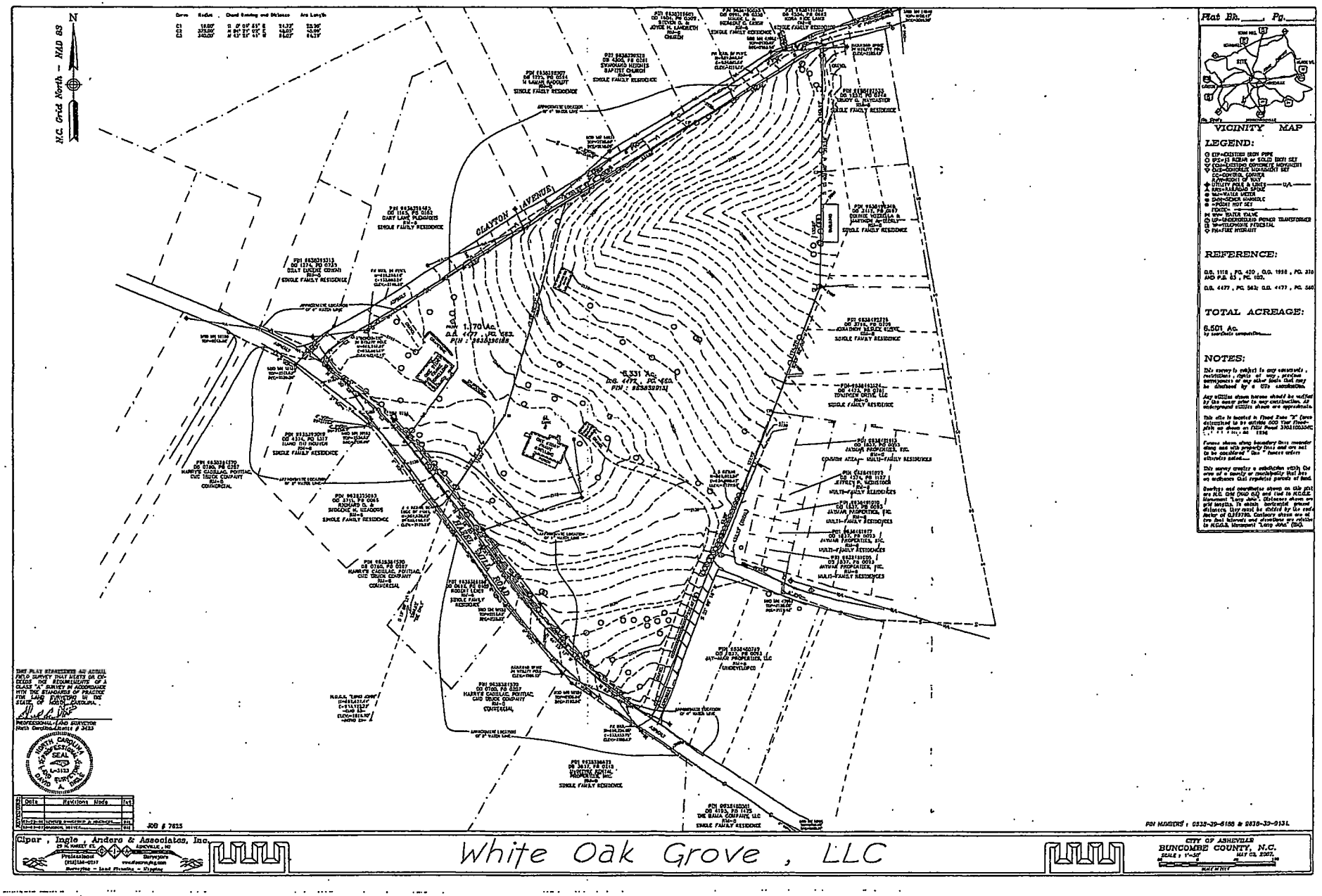
WHITE OAK GROVE APARTMENTS
ASHEVILLE, NORTH CAROLINA

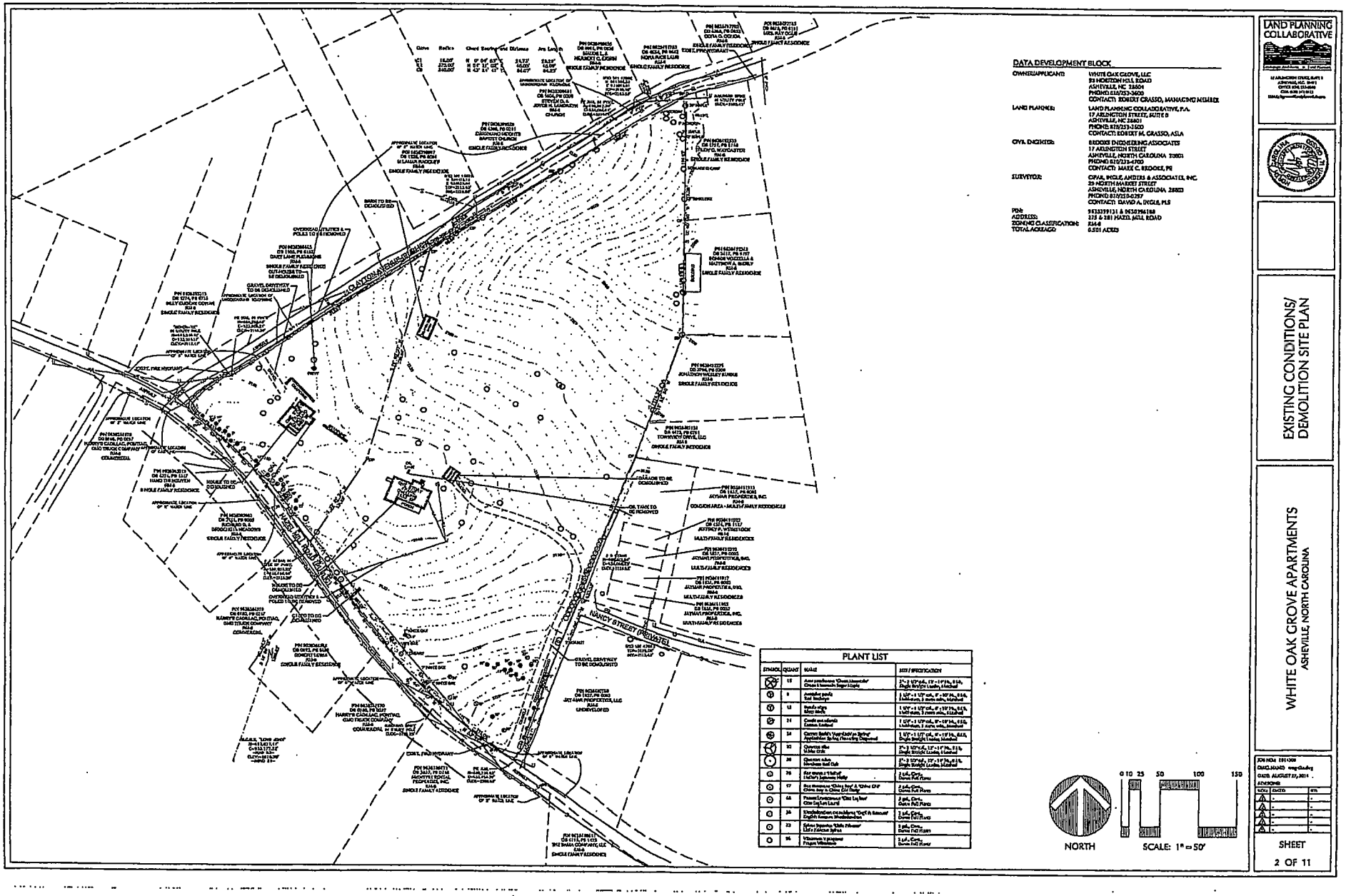
DATE: AUGUST 27, 2014

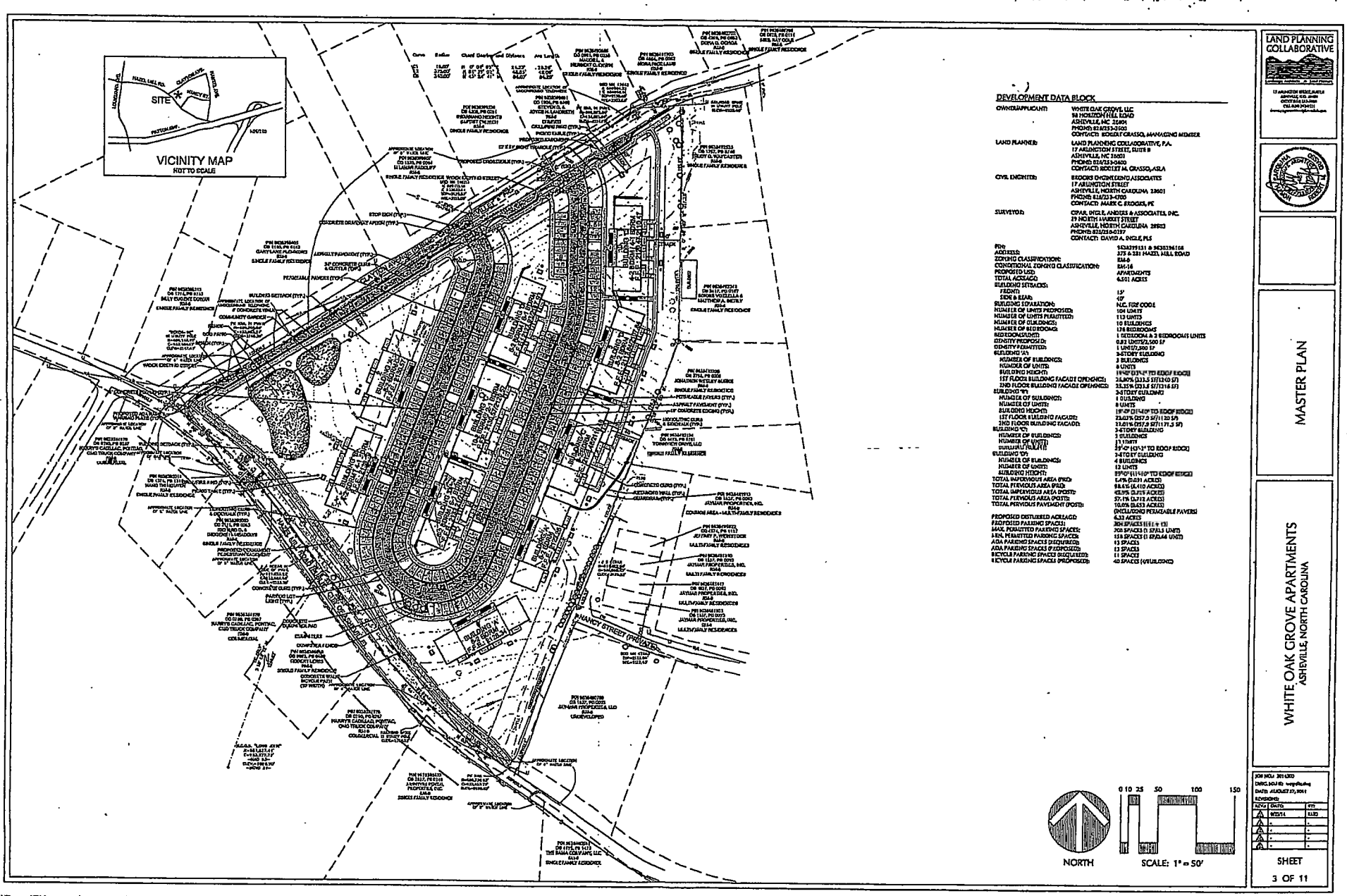
NO.	DATE	BY
1	9/30/14	MAS

TITLE SHEET

Exhibit B1


N
N.C. Grid North – NAD 83
Plat Bk. ____ Pg. ____
VICINITY MAP
LEGEND:
REFERENCE:
TOTAL ACREAGE:
6.501 Ac.
NOTES:
CLAYTON AVENUE
TUNNEL ROAD
Area 1.170 Ac.
D.B. 4477, PG. 562.
PIN : 9638136188
6.331 Ac.
D.B. 4477, PG. 562.
PIN : 9638939131
THIS PLAT CERTIFIES AN ACTUAL FIELD SURVEY THAT MEETS OR EXCEEDS THE REQUIREMENTS OF A CLASS "A" SURVEY IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN THE STATE OF NORTH CAROLINA.
PROFESSIONAL LAND SURVEYOR
North Carolina License # 3433
NORTH CAROLINA PROFESSIONAL SEAL L-3433 DAVID A. EURY
Date
Revisions Made
Init
JOB # 7625
PIN NUMBERS : 9638-39-6188 & 9638-39-9131
Cipar, Ingle, Anders & Associates, Inc.
Professional Surveyors
Surveying - Land Planning - Mapping
White Oak Grove, LLC
CITY OF ASHEVILLE
BUNCOMBE COUNTY, N.C.
SCALE : 1"=50'
MAY 03, 2007.


DATA DEVELOPMENT BLOCK
OWNER/APPLICANT: WHITE OAK GROVE, LLC
99 HORTON HILL ROAD
ASHEVILLE, NC 28804
PHONE: 828/232-3600
CONTACT: ROBERT GRASSO, MANAGING MEMBER
LAND PLANNER: LAND PLANNING COLLABORATIVE, P.A.
17 ARLINGTON STREET, SUITE B
ASHEVILLE, NC 28801
PHONE: 828/253-1600
CONTACT: ROBERT M. GRASSO, ASLA
CIVIL ENGINEER: BROOKS ENGINEERING ASSOCIATES
17 ARLINGTON STREET
ASHEVILLE, NORTH CAROLINA 28801
PHONE: 828/273-5703
CONTACT: MARK C. BROOKS, PE
SURVEYOR: CIVIL, ANGLE, AMDERS & ASSOCIATES, INC.
29 NORTH MARKET STREET
ASHEVILLE, NORTH CAROLINA 28801
PHONE: 828/210-0297
CONTACT: DAVID A. INGLE, PLS
PIDs: 9133399131 & 9638796188
ADDRESS: 275 & 281 HAZEL MILL ROAD
ZONING CLASSIFICATION: R4-S
TOTAL ACREAGE: 6.501 ACRES
PLANT LIST
SYMBOL
QUANT
NAME
SIZE / SPECIFICATION
NORTH
SCALE: 1" = 50'
0 10 25 50 100 150
LAND PLANNING COLLABORATIVE
EXISTING CONDITIONS/ DEMOLITION SITE PLAN
WHITE OAK GROVE APARTMENTS
ASHEVILLE, NORTH CAROLINA
JOB NO: 191309
DATE: AUGUST 27, 2019
SHEET
2 OF 11



DEVELOPMENT DATA BLOCK

OWNER/APPLICANT:	WHITE OAK GROVE, LLC 98 HORIZON HILL LOOP ASHEVILLE, NC 28804 PHONE: 828/253-3500 CONTACT: ROBERT GRASSO, MANAGING MEMBER
LAND PLANNER:	LAND PLANNING COLLABORATIVE, P.A. 17 ARLINGTON STREET, SUITE B ASHEVILLE, NC 28801 PHONE: 828/253-0420 CONTACT: ROBERT M. GRASSO, ASLA
CIVIL ENGINEER:	BROOKS ENGINEERING ASSOCIATES 17 ARLINGTON STREET ASHEVILLE, NORTH CAROLINA 28801 PHONE: 828/253-0705 CONTACT: MARK C. BROOKS, PE
SURVEYOR:	CIPAR, PIGLE, ANDERS & ASSOCIATES, INC. 29 NORTH MARKET STREET ASHEVILLE, NORTH CAROLINA 28803 PHONE: 828/254-3176 CONTACT: DAVID A. PIGLE, PLS
PIN:	9638295151 & 9638296158
ADDRESS:	275 & 281 HAZEL MILL ROAD
ZONING CLASSIFICATION:	RM-8
CONDITIONAL ZONING CLASSIFICATION:	RM-16
PROPOSED USE:	APARTMENTS
TOTAL ACREAGE:	6.501 ACRES
BUILDING SETBACKS:	
FRONT:	15'
SIDE & REAR:	10'
BUILDING REGULATIONS:	NC. RESIDENTIAL CODE
NUMBER OF UNITS PROPOSED:	104 UNITS
NUMBER OF UNITS PERMITTED:	113 UNITS
NUMBER OF BUILDINGS:	10 BUILDINGS
NUMBER OF BEDROOMS:	174 BEDROOMS
BEDROOM MIX:	1 BEDROOM & 2 BEDROOMS UNITS
DENSITY PROPOSED:	0.83 UNITS/6,500 SF
DENSITY PERMITTED:	1 UNIT/5,500 SF
BUILDING "A":	3-STORY BUILDING
NUMBER OF BUILDINGS:	3 BUILDINGS
NUMBER OF UNITS:	9 UNITS
BUILDING HEIGHT:	39'-0" (37'-1" TO EDGE OF ROOF)
1ST FLOOR BUILDING FACADE OPENINGS:	21.80% (313.5 SF/1310 SF)
2ND FLOOR BUILDING FACADE OPENINGS:	28.35% (293.5 SF/1316 SF)
BUILDING "B":	3-STORY BUILDING
NUMBER OF BUILDINGS:	1 BUILDING
NUMBER OF UNITS:	8 UNITS
BUILDING HEIGHT:	38'-0" (37'-10" TO EDGE OF ROOF)
1ST FLOOR BUILDING FACADE:	22.03% (257.2 SF/1120 SF)
2ND FLOOR BUILDING FACADE:	17.01% (197.9 SF/1171.5 SF)
BUILDING "C":	3-STORY BUILDING
NUMBER OF BUILDINGS:	1 BUILDINGS
NUMBER OF UNITS:	11 UNITS
BUILDING HEIGHT:	39'-0" (37'-1" TO EDGE OF ROOF)
BUILDING "D":	3-STORY BUILDING
NUMBER OF BUILDINGS:	4 BUILDINGS
NUMBER OF UNITS:	12 UNITS
BUILDING HEIGHT:	39'-0" (37'-10" TO EDGE OF ROOF)
TOTAL IMPERVIOUS AREA (PRE):	5.476 (0.031 ACRES)
TOTAL PERVIOUS AREA (PRE):	98.6% (6.410 ACRES)
TOTAL IMPERVIOUS AREA (POST):	43.9% (2.855 ACRES)
TOTAL PERVIOUS AREA (POST):	57.1% (3.715 ACRES)
TOTAL PERVIOUS PAVEMENT (POST):	10.6% (0.63 ACRES) (INCLUDING PERMEABLE PAVERS)
PROPOSED DISTURBED ACREAGE:	6.33 ACRES
PROPOSED PARKING SPACES:	304 SPACES (1.5 + /D)
MAX. PERMITTED PARKING SPACES:	208 SPACES (1.37/D.U. UNIT)
MIN. PERMITTED PARKING SPACES:	156 SPACES (1.0/UNIT)
ADA PARKING SPACES (REQUIRED):	6 SPACES
ADA PARKING SPACES (PROPOSED):	12 SPACES
BICYCLE PARKING SPACES (REQUIRED):	11 SPACES
BICYCLE PARKING SPACES (PROPOSED):	40 SPACES (4/BUILDING)

LAND PLANNING COLLABORATIVE

MASTER PLAN

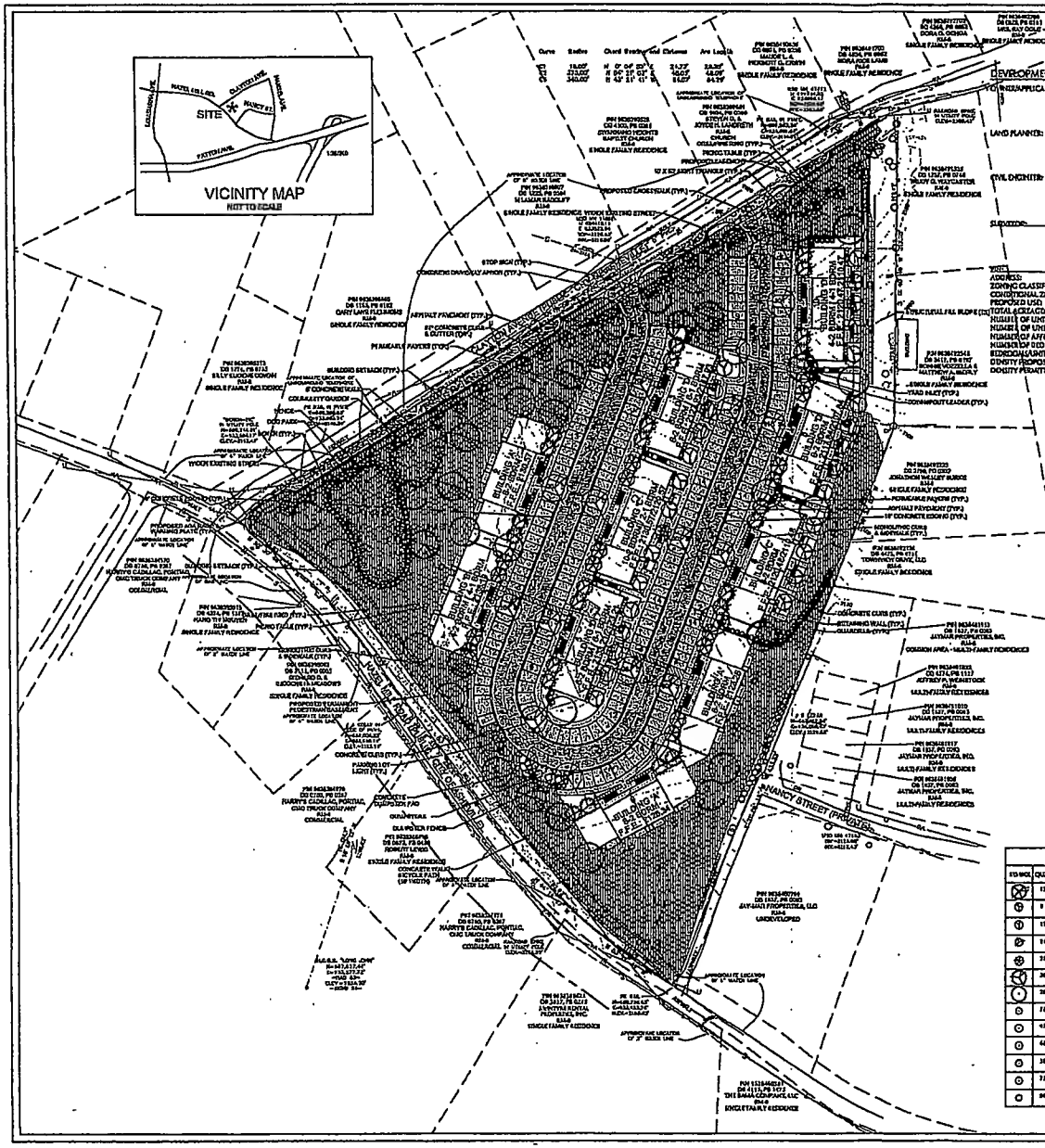
WHITE OAK GROVE APARTMENTS
ASHEVILLE, NORTH CAROLINA

JOB NO.: 201320
DWG. NO.: 10 - MASTER PLAN
DATE: AUGUST 27, 2014

REVISIONS		
NO.	DATE	BY
1	9/22/14	RMG
2		
3		
4		
5		

SHEET
3 OF 11

32



DEVELOPMENT DATA BLOCK	
PROJECT NAME:	WHITE OAK GROVE APARTMENTS
APPLICANT:	WHITE OAK GROVE, LLC 88 HORIZON HILL ROAD ASHEVILLE, NC 28804 PHONE: 828.253-5400 CONTACT: ROBERT GRASSO, MANAGING MEMBER
LAND PLANNER:	LAND PLANNING COLLABORATIVE, P.A. 17 ARLINGTON STREET, SUITE B ASHEVILLE, NC 28801 PHONE: 828/253-3600 CONTACT: ROBERT M. GRASSO, ASLA
CIVIL ENGINEER:	DEDOIS ENGINEERING ASSOCIATES 17 ARLINGTON STREET ASHEVILLE, NORTH CAROLINA 28801 PHONE: 828/273-0720 CONTACT: MARK C. DEDOIS, PE
SURVEYOR:	CHAP, INGLE, ANDREWS & ASSOCIATES, INC. 29 NORTH MARKET STREET ASHEVILLE, NORTH CAROLINA 28801 PHONE: 828/258-0287 CONTACT: DAVID A. INGLE, PLS
PARCEL:	9638399131 & 9638396140
ADDRESS:	372 & 381 HAZEL MILL ROAD
ZONING CLASSIFICATION:	RM-8
CONDITIONAL ZONING CLASSIFICATION:	RM-16
PROPOSED USE:	APARTMENTS
TOTAL ACREAGE:	4.301 ACRES
NUMBER OF UNITS PROPOSED:	104 UNITS
NUMBER OF UNITS PERMITTED:	113 UNITS
NUMBER OF AFFORDABLE HOUSING UNITS:	11 UNITS (10%)
NUMBER OF BEDROOMS:	176 BEDROOMS
BEDROOMS/UNIT:	1 BEDROOM & 2 BEDROOMS UNITS
DENSITY PROPOSED:	0.52 UNITS/1,500 SF
DENSITY PERMITTED:	1 UNIT/1,500 SF

BUILDING TYP.	3-STORY BUILDING
NUMBER OF BUILDINGS:	3 BUILDINGS
NUMBER OF UNITS:	6 UNITS
NUMBER OF BEDROOMS:	16 BEDROOMS
NUMBER OF 2 BEDROOM UNITS:	6 UNITS
GROSS SQUARE FOOTAGE:	8,828 SF (1,494 SF FOOTPRINT)
BUILDING HEIGHT:	39'-0" (37'-0" TO ROOF RIDGE)
BUILDING TYP.	2-STORY BUILDING
NUMBER OF BUILDINGS:	1 BUILDING
NUMBER OF UNITS/BLDG.:	8 UNITS
NUMBER OF BEDROOMS/BLDG.:	12 BEDROOMS
NUMBER OF 2 BEDROOM UNITS/BLDG.:	4 UNITS
NUMBER OF 1 BEDROOM UNITS/BLDG.:	4 UNITS
GROSS SQUARE FOOTAGE/BLDG.:	7,661 SF (5,832 SF FOOTPRINT)
BUILDING HEIGHT:	39'-0" (37'-0" TO ROOF RIDGE)
BUILDING TYP.	3-STORY BUILDING
NUMBER OF BUILDINGS:	2 BUILDINGS
NUMBER OF UNITS/BLDG.:	13 UNITS/BUILDING
NUMBER OF BEDROOMS/BLDG.:	22 BEDROOMS/BUILDING
NUMBER OF 2 BEDROOM UNITS/BLDG.:	10 UNITS
NUMBER OF 1 BEDROOM UNITS/BLDG.:	3 UNITS
GROSS SQUARE FOOTAGE/BLDG.:	13,292 SF (1,494 SF FOOTPRINT)
BUILDING HEIGHT:	39'-0" (37'-0" TO ROOF RIDGE)
BUILDING TYP.	3-STORY BUILDING
NUMBER OF BUILDINGS:	1 BUILDINGS
NUMBER OF UNITS/BLDG.:	12 UNITS
NUMBER OF BEDROOMS/BLDG.:	18 BEDROOMS
NUMBER OF 2 BEDROOM UNITS/BLDG.:	6 UNITS
NUMBER OF 1 BEDROOM UNITS/BLDG.:	6 UNITS
GROSS SQUARE FOOTAGE/BLDG.:	11,484 SF (5,832 SF FOOTPRINT)
BUILDING HEIGHT:	39'-0" (37'-0" TO ROOF RIDGE)
TOTAL IMPERVIOUS AREA (PRE):	1.456 (0.951 ACRES)
TOTAL PERVIOUS AREA (PRE):	59.6% (2.110 ACRES)
TOTAL IMPERVIOUS AREA (POST):	43.9% (1.745 ACRES)
TOTAL PERVIOUS AREA (POST):	37.1% (1.113 ACRES)
TOTAL PERVIOUS PAVEMENT (POST):	10.0% (0.653 ACRES) (INCLUDING PERMEABLE PAVERS)
OPEN SPACE PROPOSED:	2.31 ACRES (57%)
OPEN SPACE REQUIRED:	1.20 ACRES (100 SF/UNIT)
TREE SAVE AREA PROPOSED:	2.11 ACRES (52%)
TREE SAVE AREA REQUIRED:	1.93 ACRES (30%)
AVERAGE SLOPE:	13.40%
BUILDING SETBACKS:	15' & 40'
BUILDING SEPARATION:	N.C. FIRE CODE
PROPOSED PARKING SPACES:	206 SPACES (104+102)
MAX. PERMITTED PARKING SPACES:	208 SPACES (1 SPACE/UNIT)
MIN. PERMITTED PARKING SPACES:	156 SPACES (1.5/UNIT)
PROPOSED NO. OF ADA PARKING SPACES:	13 SPACES
BICYCLE PARKING SPACES (REQUIRED):	11 SPACES
BICYCLE PARKING SPACES PROPOSED:	40 SPACES
BUILDING HEIGHT:	39' MAX.
LENGTH OF ROAD:	1,690 LF
ROAD MAINTENANCE:	PRIVATELY MAINTAINED
WATER:	ASHEVILLE WATER SYSTEM
SANITARY SEWER:	METROPOLITAN SEWER DISTRICT
UTILITIES:	UNDERGROUND POWER, TELEPHONE & CATV
PARKING LOT LIGHTS:	PROPOSED ENERGY FIXTURES, POST TOP STYLE 'D', 8,000 LUMEN HIGH PRESSURE SODIUM LAMP, 18' FIBERGLASS POST
AMENITIES:	BICYCLE/PEDESTRIAN PAVED PATH COMMUNITY GARDEN DOG PARK NC HEALTHY BUILT APARTMENTS ENERGY STAR APPLIANCES GRANITE, PICNIC TABLES & GRILLING AREAS UNLIMITED ANNUAL BUS PASSANTE
HANDICAP ACCESSIBILITY:	47 UNITS UNIT ARE HANDICAP ACCESSIBLE. ENTRY, PARKING & WAYS MEET ADA REGULATIONS.

BUILDING IMPACT LANDSCAPE REQUIREMENT	
BUILDING FOOTPRINT SQUARE FOOTAGE:	43,073 SF
TREES (1 TREE/1,000 SF):	43 TREES
SHRUBS (3 SHRUBS/1,000 SF):	86 SHRUBS

TREE SAVE LANDSCAPE REQUIREMENT	
TREE SAVE ACREAGE (30%):	1.932 AC
LARGE TREES, 2" CAL. (1 TREE/AC.):	24 TREES
LARGE TREES, 3" CAL. (7 TREES/AC.):	14 TREES
SMALL TREES, 1-1/2" CAL. (5 TREES/AC.):	10 TREES
SHRUBS, 3 GAL. (30 SHRUBS/AC.):	100 SHRUBS
EXISTING TREE CANOPY:	60 TREES

STREET TREE LANDSCAPE REQUIREMENT	
STREET LENGTH (HAZEL MILL ROAD):	439.49 LF
SMALL DECIDUOUS TREES (1 TREE/20 LF):	22 TREES
EXISTING DECIDUOUS TREE CREDIT:	22 TREES
STREET LENGTH (CLAYTON STREET):	706.87 LF
SMALL DECIDUOUS TREES (1 TREE/20 LF):	35 TREES
STREET LENGTH (NANCY STREET):	230.83 LF
LARGE DECIDUOUS TREES (1 TREE/70 LF):	6 TREES
EXISTING DECIDUOUS TREE CREDIT:	10 TREES

PARKING LOT LANDSCAPE REQUIREMENT	
VEHICULAR USE AREA:	19,460 SF
TREES (1 TREE/1,500 SF):	40 TREES
SHRUBS (4 SHRUBS/1,500 SF):	169 SHRUBS

STREET BUFFER LANDSCAPE REQUIREMENT	
LENGTH OF PARKING LOT ENCROACHMENT:	220 LF
SHRUBS (1 SHRUB/10 LF):	22 SHRUBS

SCREENING LANDSCAPE REQUIREMENT	
LENGTH OF DUMPSTER FENCE:	83 LF
SHRUBS (1 SHRUB/8 LF):	11 SHRUBS

RETAINING WALL LANDSCAPE REQUIREMENT	
LENGTH OF RETAINING WALL 48" HT.:	290 LF
SHRUBS (1 SHRUB/8 LF):	38 SHRUBS

PLANT LIST			
SYMBOL	QUANT.	NAME	SIZE/SPECIFICATION
	12	Acer saccharum 'Green Mountain' / Green Mountain Sugar Maple	3" - 3 1/2" Cal., 12' - 14' Ht., B&B, Single Straight Leader, Matched
	9	Acer rubrum / Red Maple	3" - 3 1/2" Cal., 9' - 10' Ht., B&B, Multi-trunk, 3 trunk min., Matched
	15	Betula nigra / River Birch	3 1/2" - 4 1/2" Cal., 9' - 10' Ht., B&B, Multi-trunk, 3 trunk min., Matched
	11	Cercis canadensis / Eastern Redbud	3 1/2" - 4 1/2" Cal., 9' - 10' Ht., B&B, Multi-trunk, 3 trunk min., Matched
	23	Cornus florida 'Appalachian Spring' / Appalachian Spring Flowering Dogwood	3 1/2" - 4 1/2" Cal., 9' - 10' Ht., B&B, Single Straight Leader, Matched
	26	Cornus alba 'Sibirica' / Sibirica Red Osier Dogwood	3" - 3 1/2" Cal., 12' - 14' Ht., B&B, Single Straight Leader, Matched
	30	Quercus rubra / Northern Red Oak	3" - 3 1/2" Cal., 12' - 14' Ht., B&B, Single Straight Leader, Matched
	21	Ilex verticillata 'Red Sprite' / Winterberry Holly	3 Gal., Cont., Dense Full Form
	47	Ilex crenata 'Glory Gem' & 'Glory Girl' / Glory Gem & Glory Girl Holly	3 Gal., Cont., Dense Full Form
	65	Fothergilla gardenii 'Blue Mist' / Dwarf Witch Alder	3 Gal., Cont., Dense Full Form
	38	Rhododendron x 'Dwarf Yellow' / Dwarf Yellow Rhododendron	3 Gal., Cont., Dense Full Form
	31	Spiraea x bumalda 'Little Princess' / Little Princess Spirea	3 Gal., Cont., Dense Full Form
	36	Viburnum x carlcephalum / Fragrant Viburnum	3 Gal., Cont., Dense Full Form

LAND PLANNING COLLABORATIVE

CONCEPTUAL SITE LAYOUT, MATERIALS & ZONING COMPLIANCE PLAN

WHITE OAK GROVE APARTMENTS
ASHEVILLE, NORTH CAROLINA

JOB NO.: 361200
DWG. NAME: wogdwg
DATE: AUGUST 27, 2014

REVISIONS		
NO.	DATE	BY
1	9/23/14	BMD
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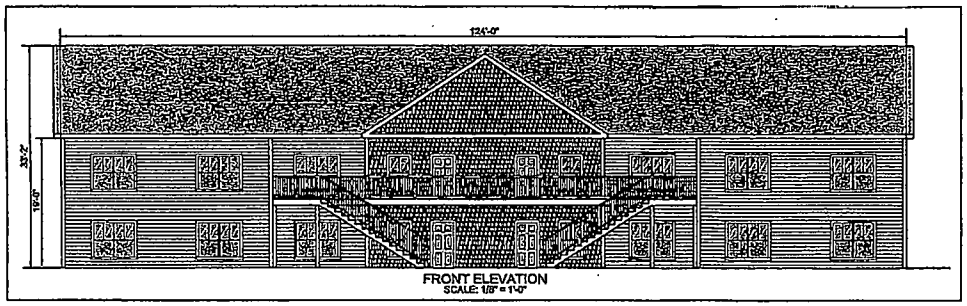
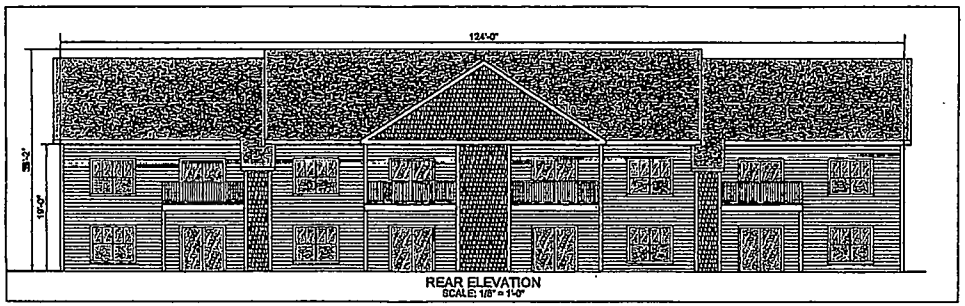


FRONT ELEVATION
SCALE: 1/8" = 1'-0"



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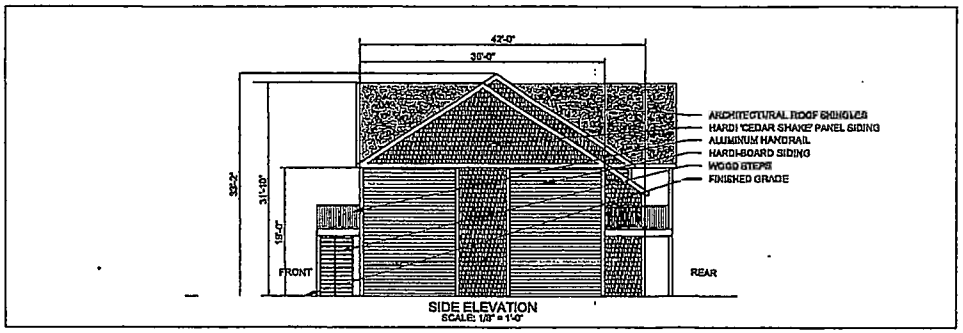

SIDE ELEVATION
SCALE: 1/8" = 1'-0"

DEVELOPMENT DATA BLOCK

OWNER/APPLICANT:	WHITE OAK GROVE, LLC 93 HORIZON HILL ROAD ASHEVILLE, NC 28804 PHONE: 828/253-3600 CONTACT: ROBERT M. GRASSO, MANAGING MEMBER
LAND PLANNER:	LAND PLANNING COLLABORATIVE, P.A. 17 ARLINGTON STREET, SUITE B ASHEVILLE, NC 28801 PHONE: 828/253-3600 CONTACT: ROBERT M. GRASSO, ASLA
CIVIL ENGINEER:	BROOKS ENGINEERING ASSOCIATES 17 ARLINGTON STREET ASHEVILLE, NORTH CAROLINA 28801 PHONE: 828/333-7700 CONTACT: MARK C. BROOKS, PE
SURVEYOR:	CPSH, INGLE, LANDERS & ASSOCIATES, INC. 33 NORTH MARKET STREET ASHEVILLE, NORTH CAROLINA 28801 PHONE: 828/254-3157 CONTACT: DAVID A. INGLE, PLS

PIN:	9618399131 & 9638396156
ADDRESS:	225 & 281 HAZEL MILL ROAD
ZONING CLASSIFICATION:	RM-8
CONDITIONAL ZONING CLASSIFICATION:	RM-16
PROPOSED USE:	APARTMENTS
TOTAL ACREAGE:	8.691 ACRES
BUILDING SETBACK:	40'
BUILDING SEPARATION:	N.C. FIRE CODE
NUMBER OF UNITS PROPOSED:	104 UNITS
NUMBER OF UNITS PERMITTED:	113 UNITS
NUMBER OF BUILDINGS:	10 BUILDINGS
NUMBER OF BEDROOMS:	176 BEDROOMS
BEDROOMS/UNIT:	1 BEDROOM & 2 BEDROOMS UNITS
DENSITY PROPOSED:	0.93 UNITS/5,000 SF
DENSITY PERMITTED:	1 UNIT/5,500 SF
BUILDING "A":	3-STORY BUILDING
NUMBER OF BUILDINGS:	3 BUILDINGS
NUMBER OF UNITS:	6 UNITS
NUMBER OF BEDROOMS:	16 BEDROOMS
NUMBER OF 2 BEDROOM UNITS:	6 UNITS
GROSS SQUARE FOOTAGE:	8,818 SF (4,434 SF FOOTPRINT)
BUILDING HEIGHT:	[illegible]
BUILDING "B":	2-STORY BUILDING
NUMBER OF BUILDINGS:	1 BUILDING
NUMBER OF UNITS/BLDG.:	8 UNITS
NUMBER OF BEDROOMS/BLDG.:	12 BEDROOMS
NUMBER OF 2 BEDROOM UNITS/BLDG.:	4 UNITS
NUMBER OF 1 BEDROOM UNITS/BLDG.:	4 UNITS
GROSS SQUARE FOOTAGE/BLDG.:	7,484 SF (3,832 SF FOOTPRINT)
BUILDING HEIGHT:	25'-0" (21'-10" TO ROOF EDGE)
BUILDING "C":	2-STORY BUILDING
NUMBER OF BUILDINGS:	2 BUILDINGS
NUMBER OF UNITS/BLDG.:	12 UNITS/BUILDING
NUMBER OF BEDROOMS/BLDG.:	22 BEDROOMS/BUILDING
NUMBER OF 2 BEDROOM UNITS/BLDG.:	10 UNITS
NUMBER OF 1 BEDROOM UNITS/BLDG.:	2 UNITS
GROSS SQUARE FOOTAGE/BLDG.:	13,292 SF (7,464 SF FOOTPRINT)
BUILDING HEIGHT:	29'-0" (27'-1" TO ROOF EDGE)
BUILDING "D":	2-STORY BUILDING
NUMBER OF BUILDINGS:	1 BUILDINGS
NUMBER OF UNITS/BLDG.:	12 UNITS
NUMBER OF BEDROOMS/BLDG.:	18 BEDROOMS
NUMBER OF 2 BEDROOM UNITS/BLDG.:	6 UNITS
NUMBER OF 1 BEDROOM UNITS/BLDG.:	6 UNITS
GROSS SQUARE FOOTAGE/BLDG.:	11,856 SF (5,933 SF FOOTPRINT)
BUILDING HEIGHT:	27'-0" (21'-10" TO ROOF EDGE)

LAND PLANNING COLLABORATIVE

17 ARLINGTON STREET, SUITE B
ASHEVILLE, NC 28801
OFFICE 828.253.3600
FAX 828.253.4451
office@landplanningcollaborative.com

BUILDING ELEVATIONS
BUILDING TYPE 'A'

WHITE OAK GROVE APARTMENTS
ASHEVILLE, NORTH CAROLINA

BOH PROJ. 2011-200
DWG. NAME: wog-arch-building-A.dwg
DATE: AUGUST 27, 2014

REVISIONS:

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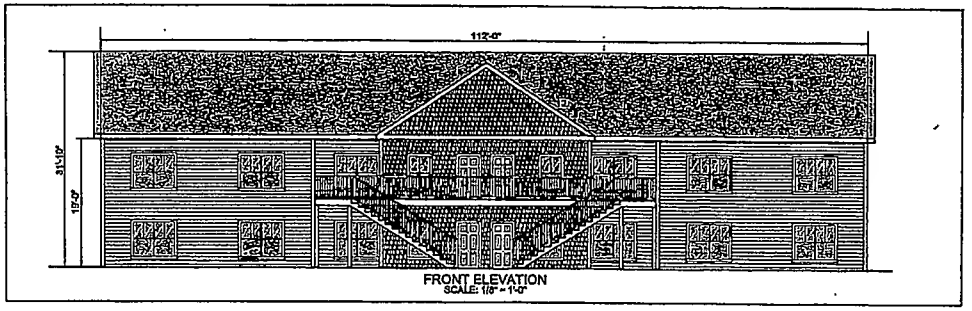

FRONT ELEVATION
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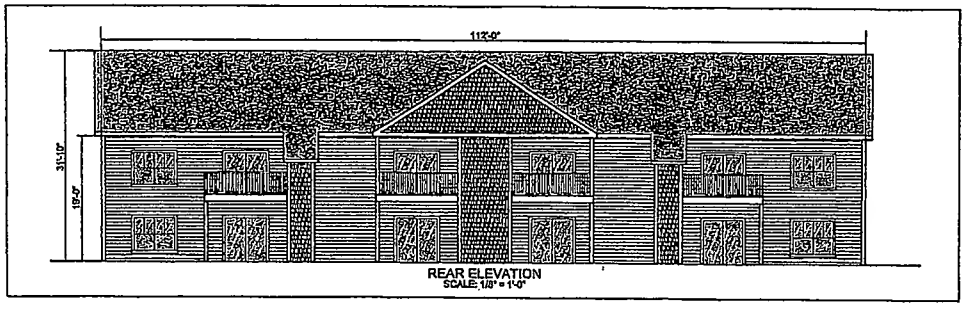
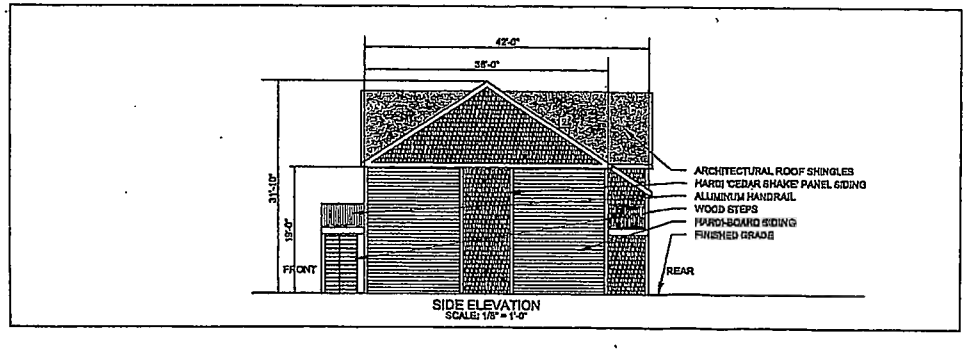


REAR ELEVATION
SCALE: 1/8" = 1'-0"



SIDE ELEVATION
SCALE: 1/8" = 1'-0"

DEVELOPMENT DATA BLOCK

OWNER/APPLICANT:	WHITE OAK GROVE, LLC 59 HORIZON HILL ROAD ASHEVILLE, NC 28804 PHONE: 828/253-3600 CONTACT: ROBERT CRASSO, MANAGING MEMBER
LAND PLANNER:	LAND PLANNING COLLABORATIVE, P.A. 17 ARLINGTON STREET, SUITE 9 ASHEVILLE, NC 28801 PHONE: 828/253-3600 CONTACT: ROBERT M. CRASSO, AIA
CIVIL ENGINEER:	BROOKS ENGINEERING ASSOCIATES 17 ARLINGTON STREET ASHEVILLE, NORTH CAROLINA, 28801 PHONE: 828/232-4700 CONTACT: MARK C. BROOKS, PE
SURVEYOR:	CEHR, BIGLE, ANSTES & ASSOCIATES, INC. 83 NORTH MARKET STREET ASHEVILLE, NORTH CAROLINA 28803 PHONE: 828/254-0787 CONTACT: DAVID A. INGLE, PLS
PIN:	9638399131 & 9638396168
ADDRESS:	275 & 281 HAZEL MILL ROAD
ZONING CLASSIFICATION:	RM-8
CONDITIONAL ZONING CLASSIFICATION:	RM-16
PROPOSED USE:	APARTMENTS
TOTAL ACREAGE:	4.503 ACRES
BUILDING SETBACK:	45'
BUILDING SEPARATION:	N.C. FIRE CODE
NUMBER OF UNITS PROPOSED:	104 UNITS
NUMBER OF UNITS PERMITTED:	113 UNITS
NUMBER OF BUILDINGS:	10 BUILDINGS
NUMBER OF BEDROOMS:	176 BEDROOMS
BEDROOM/UNIT:	1 BEDROOM & 2 BEDROOMS UNITS
DENSITY PROPOSED:	0.93 UNITS/2,500 SF
DENSITY PERMITTED:	1 UNIT/2,500 SF
BUILDING 'A':	2-STORY BUILDING
NUMBER OF BUILDINGS:	3 BUILDINGS
NUMBER OF UNITS:	4 UNITS
NUMBER OF BEDROOMS:	16 BEDROOMS
NUMBER OF 2 BEDROOM UNITS:	8 UNITS
CROSS SQUARE FOOTAGE:	6,928 SF (4,464 SF FOOTPRINT)
BUILDING HEIGHT:	19'-0" (31'-3" TO ROOF RIDGE)
BUILDING 'B':	2-STORY BUILDING
NUMBER OF BUILDINGS:	1 BUILDING
NUMBER OF UNITS/BLDG.:	8 UNITS
NUMBER OF BEDROOMS/BLDG.:	16 BEDROOMS
NUMBER OF 2 BEDROOM UNITS/BLDG.:	4 UNITS
NUMBER OF 1 BEDROOM UNITS/BLDG.:	4 UNITS
CROSS SQUARE FOOTAGE/BLDG.:	7,464 SF (5,833 SF FOOTPRINT)
BUILDING HEIGHT:	19'-0" (31'-10" TO ROOF RIDGE)
BUILDING 'C':	3-STORY BUILDING
NUMBER OF BUILDINGS:	2 BUILDINGS
NUMBER OF UNITS/BLDG.:	12 UNITS/BUILDING
NUMBER OF BEDROOMS/BLDG.:	23 BEDROOMS/BUILDING
NUMBER OF 2 BEDROOM UNITS/BLDG.:	10 UNITS
NUMBER OF 1 BEDROOM UNITS/BLDG.:	2 UNITS
CROSS SQUARE FOOTAGE/BLDG.:	13,333 SF (6,666 SF FOOTPRINT)
BUILDING HEIGHT:	29'-0" (37'-3" TO ROOF RIDGE)
BUILDING 'D':	3-STORY BUILDING
NUMBER OF BUILDINGS:	4 BUILDINGS
NUMBER OF UNITS/BLDG.:	12 UNITS
NUMBER OF BEDROOMS/BLDG.:	18 BEDROOMS
NUMBER OF 2 BEDROOM UNITS/BLDG.:	6 UNITS
NUMBER OF 1 BEDROOM UNITS/BLDG.:	6 UNITS
CROSS SQUARE FOOTAGE/BLDG.:	11,496 SF (5,832 SF FOOTPRINT)
BUILDING HEIGHT:	29'-0" (41'-10" TO ROOF RIDGE)

LAND PLANNING COLLABORATIVE

BUILDING ELEVATIONS
BUILDING TYPE 'B'

WHITE OAK GROVE APARTMENTS
ASHEVILLE, NORTH CAROLINA

JOB NO.: 2014.000
DWG. NAME: [illegible]
DATE: AUGUST 27, 2014

REVISIONS

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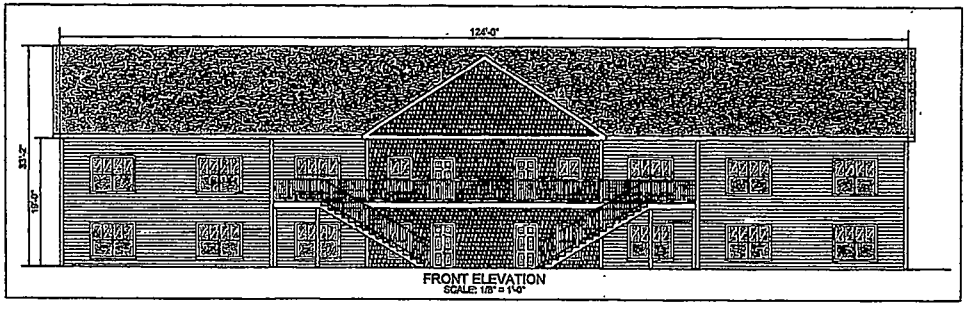

FRONT ELEVATION
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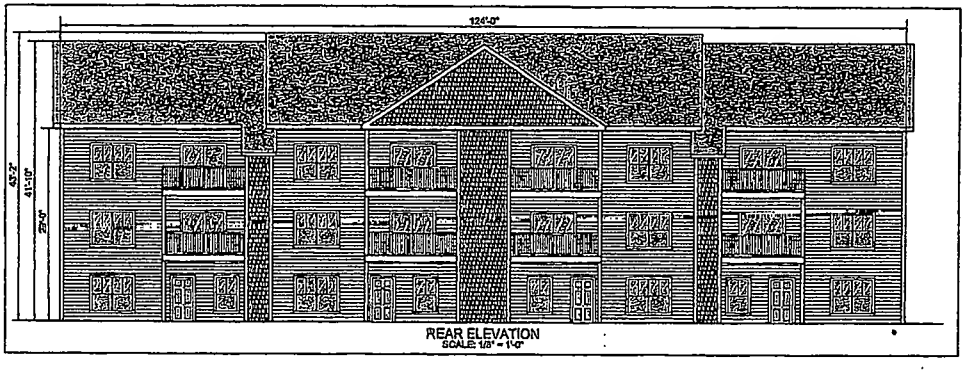

REAR ELEVATION
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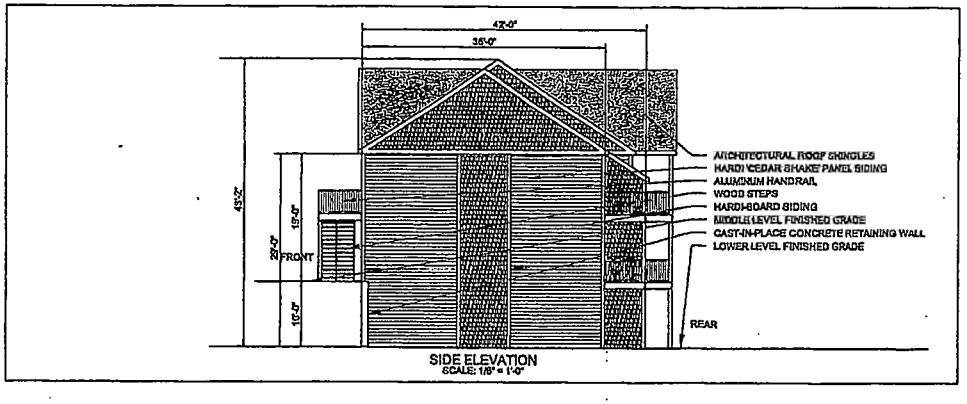

SIDE ELEVATION
SCALE: 1/8" = 1'-0"

DEVELOPMENT DATA BLOCK

OWNER/APPLICANT:	WHITE OAK GROVE, LLC 10 HORIZON HILL ROAD ASHEVILLE, NC 28804 PHONE: (828) 713-3000 CONTACT: ROBERT GRASSO, MANAGING MEMBER
LAND PLANNER:	LAND PLANNING COLLABORATIVE, P.A. 17 ARLINGTON STREET, SUITE B ASHEVILLE, NC 28801 PHONE: 828.253-3600 CONTACT: ROBERT M. GRASSO, ASLA
CIVIL ENGINEER:	BROOKS ENGINEERING ASSOCIATES 17 ARLINGTON STREET ASHEVILLE, NORTH CAROLINA 28801 PHONE: 828.713-4700 CONTACT: MARK C. BROOKS, PE
SURVEYOR:	CEPAR, INGLE, ANGLES & ASSOCIATES, INC. 39 NORTH MARKET STREET ASHEVILLE, NORTH CAROLINA 28801 PHONE: 828.250-0257 CONTACT: DAVID A. INGLE, PLS
PIN:	9634139111 & 9634139153
ADDRESS:	375 & 381 HAZEL MILL ROAD
ZONING CLASSIFICATION:	RM-8
CONDITIONAL ZONING CLASSIFICATION:	RM-16
PROPOSED USE:	APARTMENTS
TOTAL ACREAGE:	6.101 ACRES
BUILDING SETBACK:	40'
BUILDING SEPARATION:	N.C. FIRE CODE
NUMBER OF UNITS PROPOSED:	101 UNITS
NUMBER OF UNITS PERMITTED:	113 UNITS
NUMBER OF BUILDINGS:	10 BUILDINGS
NUMBER OF BEDROOMS:	178 BEDROOMS
BEDROOMS/UNIT:	1 BEDROOM & 2 BEDROOMS UNITS
DENSITY PROPOSED:	0.93 UNIT/7,500 SF
DENSITY PERMITTED:	1 UNIT/7,500 SF
BUILDING 'A':	2-STORY BUILDING
NUMBER OF BUILDINGS:	3 BUILDINGS
NUMBER OF UNITS:	6 UNITS
NUMBER OF BEDROOMS:	16 BEDROOMS
NUMBER OF 2 BEDROOM UNITS:	6 UNITS
GROSS SQUARE FOOTAGE:	8,310 SF (2,424 SF FOOTPRINT)
BUILDING HEIGHT:	19'-0" (11'-10" TO ROOF EDGE)
BUILDING 'B':	2-STORY BUILDING
NUMBER OF BUILDINGS:	1 BUILDING
NUMBER OF UNITS/BLDG.:	6 UNITS
NUMBER OF BEDROOMS/BLDG.:	12 BEDROOMS
NUMBER OF 2 BEDROOM UNITS/BLDG.:	4 UNITS
NUMBER OF 1 BEDROOM UNITS/BLDG.:	4 UNITS
GROSS SQUARE FOOTAGE/BLDG.:	8,424 SF (2,812 SF FOOTPRINT)
BUILDING HEIGHT:	19'-0" (11'-10" TO ROOF EDGE)
BUILDING 'C':	3-STORY BUILDING
NUMBER OF BUILDINGS:	3 BUILDINGS
NUMBER OF UNITS/BLDG.:	11 UNITS/BUILDING
NUMBER OF BEDROOMS/BLDG.:	22 BEDROOMS/BUILDING
NUMBER OF 2 BEDROOM UNITS/BLDG.:	10 UNITS
NUMBER OF 1 BEDROOM UNITS/BLDG.:	2 UNITS
GROSS SQUARE FOOTAGE/BLDG.:	13,317 SF (4,464 SF FOOTPRINT)
BUILDING HEIGHT:	29'-0" (11'-10" TO ROOF EDGE)
BUILDING 'D':	3-STORY BUILDING
NUMBER OF BUILDINGS:	4 BUILDINGS
NUMBER OF UNITS/BLDG.:	12 UNITS
NUMBER OF BEDROOMS/BLDG.:	18 BEDROOMS
NUMBER OF 2 BEDROOM UNITS/BLDG.:	6 UNITS
NUMBER OF 1 BEDROOM UNITS/BLDG.:	6 UNITS
GROSS SQUARE FOOTAGE/BLDG.:	11,454 SF (3,833 SF FOOTPRINT)
BUILDING HEIGHT:	39'-0" (11'-10" TO ROOF EDGE)

LAND PLANNING COLLABORATIVE

17 ARLINGTON STREET, SUITE B
ASHEVILLE, N.C. 28801
OFFICE (828) 253-3600
CELL (828) 273-0313
www.landplanningcollaborative.com

BUILDING ELEVATIONS
BUILDING TYPE 'C'

WHITE OAK GROVE APARTMENTS
ASHEVILLE, NORTH CAROLINA

JOB NO.: 362-1301
CAD ID: MAND: wog-b-bldg-4.dwg
DATE: AUGUST 27, 2014

REVISIONS		
NO.	DATE	BY
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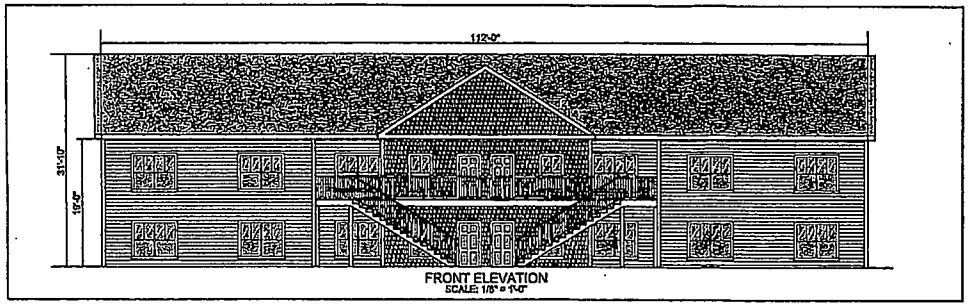
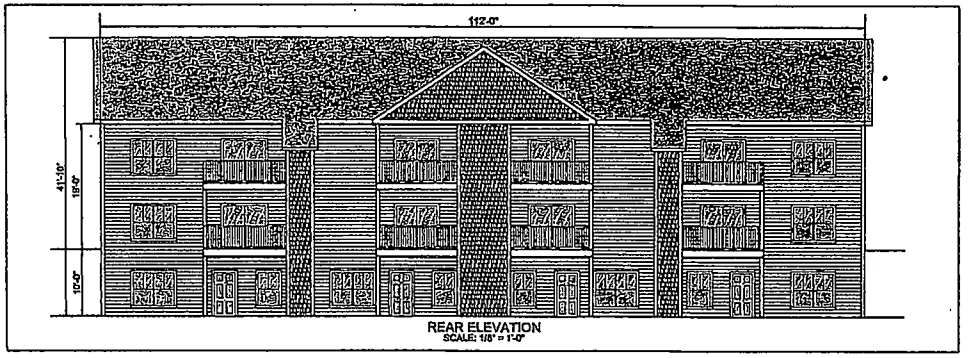
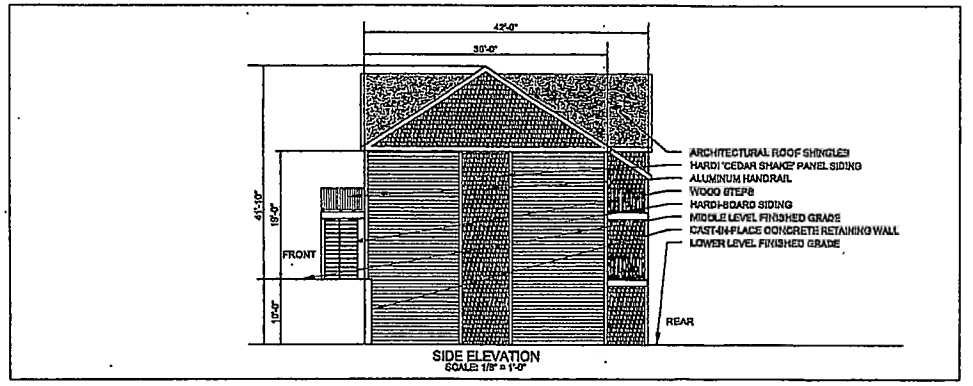
SHEET
7 OF 11



FRONT ELEVATION
SCALE: 1/8" = 1'-0"



REAR ELEVATION
SCALE: 1/8" = 1'-0"



SIDE ELEVATION
SCALE: 1/8" = 1'-0"

DEVELOPMENT DATA BLOCK

OWNER/APPLICANT:	WHITE OAK GROVE, LLC 95 HORIZON HILL ROAD ASHEVILLE, NC 28804 PHONE: (828)253-2500 CONTACT: EDELAT GRASSO, MANAGING MEMBER
LAND PLANNER:	LAND PLANNING COLLABORATIVE, P.A. 17 ARLINGTON STREET, SUITE B ASHEVILLE, NC 28801 PHONE: (828)232-0603 CONTACT: ROBERT M. GRASSO, ASLA
CIVIL ENGINEER:	BROOKS ENGINEERING ASSOCIATES 17 ARLINGTON STREET ASHEVILLE, NORTH CAROLINA 28801 PHONE: (828)253-4700 CONTACT: MARK C. BROOKS, PE
SURVEYOR:	CZAR, INGLE, ANDERS & ASSOCIATES, INC. 39 NORTH MARKET STREET ASHEVILLE, NORTH CAROLINA 28801 PHONE: (828)254-6293 CONTACT: DAVID A. INGLE, PLS

PIN:	9638.19.9131 & 9638.39.9169
ADDRESS:	771 & 781 PARKLAND ROAD
ZONING CLASSIFICATION:	RA-8
CONDITIONAL ZONING CLASSIFICATION:	RA-8 CZ
PROPOSED USE:	APARTMENTS
TOTAL ACREAGE:	6.501 ACRES
BUILDING SETBACK:	10'
BUILDING SEPARATION:	N.C. FIRE CODE
NUMBER OF UNITS PROPOSED:	104 UNITS
NUMBER OF UNITS PERMITTED:	113 UNITS
NUMBER OF BUILDINGS:	10 BUILDINGS
NUMBER OF BEDROOMS:	174 BEDROOMS
BEDROOMS/UNIT:	1 BEDROOM & 2 BEDROOMS UNITS
DENSITY PROPOSED:	0.02 UNITS/2,500 SF
DENSITY PERMITTED:	1 UNIT/2,500 SF
BUILDING "A":	2-STORY BUILDING
NUMBER OF BUILDINGS:	3 BUILDINGS
NUMBER OF UNITS:	8 UNITS
NUMBER OF BEDROOMS:	16 BEDROOMS
NUMBER OF 2 BEDROOM UNITS:	8 UNITS
CROSS SQUARE FOOTAGE:	6,250 SF (5,184 SF FOOTPRINT)
BUILDING HEIGHT:	19'-0" (31'-10" TO ROOF RIDGE)
BUILDING "B":	2-STORY BUILDING
NUMBER OF BUILDINGS:	2 BUILDING
NUMBER OF UNITS/BLDG.:	8 UNITS
NUMBER OF BEDROOMS/BLDG.:	16 BEDROOMS
NUMBER OF 2 BEDROOM UNITS/BLDG.:	8 UNITS
NUMBER OF 1 BEDROOM UNITS/BLDG.:	4 UNITS
CROSS SQUARE FOOTAGE/BLDG.:	7,664 SF (5,833 SF FOOTPRINT)
BUILDING HEIGHT:	19'-0" (31'-10" TO ROOF RIDGE)
BUILDING "C":	3-STORY BUILDING
NUMBER OF BUILDINGS:	2 BUILDINGS
NUMBER OF UNITS/BLDG.:	12 UNITS/BUILDING
NUMBER OF BEDROOMS/BLDG.:	22 BEDROOMS/BUILDING
NUMBER OF 2 BEDROOM UNITS/BLDG.:	10 UNITS
NUMBER OF 1 BEDROOM UNITS/BLDG.:	2 UNITS
CROSS SQUARE FOOTAGE/BLDG.:	13,393 SF (9,184 SF FOOTPRINT)
BUILDING HEIGHT:	29'-0" (41'-10" TO ROOF RIDGE)
BUILDING "D":	2-STORY BUILDING
NUMBER OF BUILDINGS:	4 BUILDINGS
NUMBER OF UNITS/BLDG.:	12 UNITS
NUMBER OF BEDROOMS/BLDG.:	18 BEDROOMS
NUMBER OF 2 BEDROOM UNITS/BLDG.:	6 UNITS
NUMBER OF 1 BEDROOM UNITS/BLDG.:	6 UNITS
CROSS SQUARE FOOTAGE/BLDG.:	11,494 SF (5,833 SF FOOTPRINT)
BUILDING HEIGHT:	29'-0" (41'-10" TO ROOF RIDGE)

LAND PLANNING COLLABORATIVE

BUILDING ELEVATIONS
BUILDING TYPE 'D'

WHITE OAK GROVE APARTMENTS
ASHEVILLE, NORTH CAROLINA

JOB NO.: 201 1203
DWG. NAME: wogbldD3.dwg
DATE: AUGUST 27, 2014
REVISIONS:

NO.	DATE	BY
1	8/25/14	RMG
2		
3		
4		
5		

SHEET
8 OF 11

VICINITY MAP
NOT TO SCALE
SITE
DEVELOPMENT DATA BLOCK
OWNER/APPLICANT:
WHITE OAK GROVE, LLC
95 HORIZON HILL ROAD
ASHEVILLE, NC 28804
PHONE: 828/253-3600
CONTACT: ROBERT GRASSO, MANAGING MEMBER
LAND PLANNER:
LAND PLANNING COLLABORATIVE, P.A.
17 ARLINGTON STREET, SUITE D
ASHEVILLE, NC 28801
PHONE: 828/252-3600
CONTACT: ROBERT M. GRASSO, ASLA
CIVIL ENGINEER:
BROOKS ENGINEERING ASSOCIATES
17 ARLINGTON STREET
ASHEVILLE, NORTH CAROLINA 28801
PHONE: 828/333-4700
CONTACT: MARK C. BROOKS, PE
SURVEYOR:
CRAIG, RYCLE, AMOTES & ASSOCIATES, INC.
29 NORTH MARKET STREET
ASHEVILLE, NORTH CAROLINA 28801
PHONE: 828/252-0197
CONTACT: DAVID A. RYCLE, PLS
PIN:
9631395131 & 9631396152
ADDRESS:
277 & 281 HAZEL MILL ROAD
ZONING CLASSIFICATION:
RM-8
CONDITIONAL ZONING CLASSIFICATION:
RM-8
TOTAL ACREAGE:
6.301 ACRES
TOTAL IMPERVIOUS AREA (PRE):
1.76 (0.051 ACRES)
TOTAL PERVIOUS AREA (PRE):
93.65% (5.410 ACRES)
TOTAL IMPERVIOUS AREA (POST):
42.9% (2.709 ACRES)
TOTAL PERVIOUS AREA (POST):
57.1% (3.712 ACRES)
TOTAL PERVIOUS PAVEMENT (POST):
10.0% (0.65 ACRES)
(INCLUDING PERMEABLE PAVERS)
PROPOSED DISTURBED ACREAGE:
6.33 ACRES
AVERAGE SLOPE:
12.40%
NORTH
SCALE: 1" = 50'
0 10 25 30 100 150
REVISIONS/SUBMISSIONS
No. 1 TRC SUBMITAL 8/17/14
No. 2 REVISED TRC SUBMITAL 9/29/14
NOT FOR CONSTRUCTION
BROOKS ENGINEERING ASSOCIATES
Planning • Engineering • Surveying • Environmental Services
17 Arlington Street
Asheville, NC 28801
Phone: 1-828-333-4700
Fax: 1-828-333-1331
www.brooksassoc.com
Project No: 327309
Drawing Title: CONCEPTUAL GRADING, EROSION CONTROL, AND STORMWATER PLANS
9
ASHEVILLE
NORTH CAROLINA
WHITE OAK GROVE
CONCEPTUAL PLANS

No.	REVISIONS/SUBMISSIONS	Date
1	TRC SUBMITTAL	8/17/14
2	REVISED TRC SUBMITTAL	9/23/14

NOT FOR CONSTRUCTION

Project No: 327309

10

WHITE OAK GROVE
CONCEPTUAL PLANS

ASHEVILLE NORTH CAROLINA

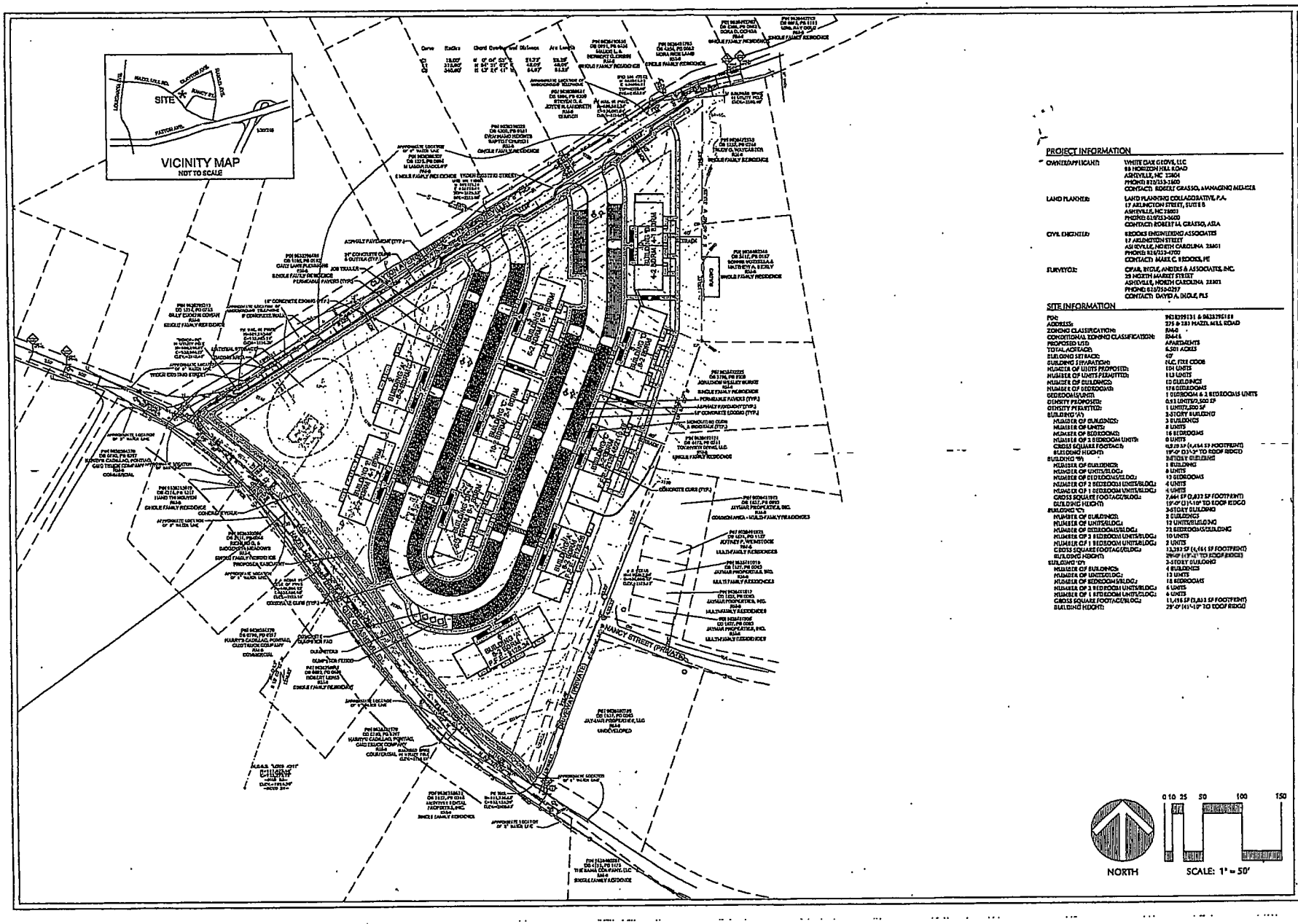
Drawing Title: SITE UTILITY PLAN

BROOKS ENGINEERING ASSOCIATES

Planning • Engineering • Surveying • Environmental Services •

Designed: TRW
Drawn: ZMG
Checked: MCB
Approved: MCB
Date:
Scale: 1"=50'

17 Arlington Street
Asheville, N.C. 28801
Phone: 1-828-232-4700
Fax: 1-828-232-1551
www.brooksnc.com


VICINITY MAP
NOT TO SCALE
SITE
PROJECT INFORMATION
OWNER/APPLICANT: WHITE OAK GROVE, LLC
88 HORIZON HILL ROAD
ASHEVILLE, NC 28804
PHONE: 828/253-1600
CONTACT: ROBERT GRASSO, MANAGING MEMBER
LAND PLANNER: LAND PLANNING COLLABORATIVE, P.A.
17 ARLINGTON STREET, SUITE B
ASHEVILLE, NC 28801
PHONE: 828/253-3600
CONTACT: ROBERT M. GRASSO, ASLA
CIVIL ENGINEER: BROOKS ENGINEERING ASSOCIATES
17 ARLINGTON STREET
ASHEVILLE, NORTH CAROLINA 28801
PHONE: 828/253-4700
CONTACT: MARK C. BROOKS, PE
SURVEYOR: CHEAK, BOYLE, ANDERS & ASSOCIATES, INC.
25 NORTH MARKET STREET
ASHEVILLE, NORTH CAROLINA 28801
PHONE: 828/253-0227
CONTACT: DAVID A. INGLE, PLS
SITE INFORMATION
PIN: 9631859131 & 9632795189
ADDRESS: 275 & 283 HAZEL MILL ROAD
ZONING CLASSIFICATION: R-6
CONDITIONAL ZONING CLASSIFICATION: R-6 CD
PROPOSED USE: APARTMENTS
TOTAL ACREAGE: 6.201 ACRES
BUILDING SETBACKS: 40'
BUILDING SEPARATION: I.B.C. FIRE CODE
NUMBER OF UNITS PROPOSED: 104 UNITS
NUMBER OF UNITS PERMITTED: 113 UNITS
NUMBER OF BUILDINGS: 10 BUILDINGS
NUMBER OF BEDROOMS: 176 BEDROOMS
BEDROOMS/UNIT: 1 BEDROOM & 2 BEDROOMS UNITS
DENSITY PROPOSED: 0.53 UNITS/7,500 SF
DENSITY PERMITTED: 1 UNITS/7,500 SF
BUILDING "A": 3-STORY BUILDING
NUMBER OF BUILDINGS: 3 BUILDINGS
NUMBER OF UNITS: 8 UNITS
NUMBER OF BEDROOMS: 16 BEDROOMS
NUMBER OF 2 BEDROOM UNITS: 8 UNITS
GROSS SQUARE FOOTAGE/B: 13,210 SF (4,404 SF FOOTPRINT)
BUILDING HEIGHT: 39'-0" (3)-9" TO ROOF RIDGE
BUILDING "B": 3-STORY BUILDING
NUMBER OF BUILDINGS: 1 BUILDING
NUMBER OF UNITS/BLDG.: 8 UNITS
NUMBER OF BEDROOMS/BLDG.: 12 BEDROOMS
NUMBER OF 2 BEDROOM UNITS/BLDG.: 4 UNITS
NUMBER OF 1 BEDROOM UNITS/BLDG.: 4 UNITS
GROSS SQUARE FOOTAGE/BLDG.: 7,661 SF (2,813 SF FOOTPRINT)
BUILDING HEIGHT: 39'-0" (3)-1/2" TO ROOF RIDGE
BUILDING "C": 3-STORY BUILDING
NUMBER OF BUILDINGS: 2 BUILDINGS
NUMBER OF UNITS/BLDG.: 13 UNITS/BUILDING
NUMBER OF BEDROOMS/BLDG.: 22 BEDROOMS/BUILDING
NUMBER OF 2 BEDROOM UNITS/BLDG.: 10 UNITS
NUMBER OF 1 BEDROOM UNITS/BLDG.: 3 UNITS
GROSS SQUARE FOOTAGE/BLDG.: 13,393 SF (4,461 SF FOOTPRINT)
BUILDING HEIGHT: 39'-0" (3)-1/2" TO ROOF RIDGE
BUILDING "D": 3-STORY BUILDING
NUMBER OF BUILDINGS: 4 BUILDINGS
NUMBER OF UNITS/BLDG.: 13 UNITS
NUMBER OF BEDROOMS/BLDG.: 18 BEDROOMS
NUMBER OF 2 BEDROOM UNITS/BLDG.: 6 UNITS
NUMBER OF 1 BEDROOM UNITS/BLDG.: 6 UNITS
GROSS SQUARE FOOTAGE/BLDG.: 11,416 SF (3,813 SF FOOTPRINT)
BUILDING HEIGHT: 39'-0" (4)-1/2" TO ROOF RIDGE
NANCY STREET (PRIVATE)
HAZEL MILL ROAD
NORTH
0 10 25 50 100 150
SCALE: 1" = 50'
LAND PLANNING COLLABORATIVE
17 ARLINGTON STREET, SUITE B
ASHEVILLE, NC 28801
OFFICE: 828.253.3600
CELL: 828.242.8122
EMAIL: bgrasso@landplanning.com
CONSTRUCTION STAGING PLAN
WHITE OAK GROVE APARTMENTS
ASHEVILLE, NORTH CAROLINA
DATE: AUGUST 30, 2021
REVISIONS
NO. | DATE | BY
1 | 9/13/21 | MAC
SHEET
11 OF 11

330

ORDINANCE NO. 4376

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 13th day of January 2015.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: To allocate funds to the project to acquire two shelters under the stimulus funding grant.

Magdalen Burleson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2014-15

3. Amendment to Operating ____ and/or Capital Project _x___ appropriation.

Transportation	1/13/2015	Ken Putnam
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: to appropriate additional funding for shelters

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Transit Capital Fund				
Revenue:				
Transfer from Transit Fund				
22090210 4***** T1523	$0.00		$2,248.00	$2,248.00
Other Local Participation				
22000210 4***** T1523	$0.00		$3,615.00	$3,615.00
Expenditures:				
Materials				
22000210 524101 T1523	$35,902.00		$38,150.00	$2,248.00
Pass Through				
22000210 527102 T1523	$24,760.00		$28,375.00	$3,615.00
Transit Operating Fund				
Expenditures:				
Rental/Lease Computers				
65000950 521005	$2,000.00		$15.00	($1,985.00)
Contracted Services				
65000950 521001	$20,550.00		$20,287.00	($263.00)
Transfer to Transit Capital				
65090950 800651	$0.00		$2,248.00	$2,248.00
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4377

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE CONCERNING CONDITIONAL ZONING GENERAL REQUIREMENTS

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Unified Development Ordinance of the City of Asheville currently provides standards for conditional zoning general requirements; and

WHEREAS, it has been determined that the existing standards warrant clarification; and

WHEREAS, there is a public interest in providing more flexible standards where statutorily allowed; and

WHEREAS, this proposed change to the ordinance is determined to be consistent with the comprehensive plan and other adopted plans, reasonable and in the public interest in that it will allow for greater flexibility in conditional zoning requirements which will result in the ability to increae a project's compatibility with its surrounding area;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT THE UNIFIED DEVELOPMENT ORDINANCE IS MODIFIED AS NOTED BELOW:

1. Chapter 7, Article VII. Text Amendments and Map Amendments of the Code of Ordinances of the City of Asheville is hereby amended as follows:

    a. Sec. 7-7-8 (c)(3) regarding Conditional Zoning General Requirements is amended by replacing the existing section with the following:

    (3) All standards and requirements of the corresponding general use zoning district shall be met, except to the extent that the conditions imposed by the conditional zoning may be more or less restrictive than the general use standards if such conditions comply with the comprehensive plan or other adopted plans, and/or except where the requirements are modified in accordance with subsection 7-7-8(c)(6).

2. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

3. All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

4. This ordinance will become effective upon adoption.

Read, approved and adopted this 13th of January, 2015.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

ORDINANCE NO. 4378

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 27th day of January, 2015.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Acceptance of Z Smith Reynolds Grant funding

Magdalen Bourleson
City Clerk

334

City of Asheville
Budget Amendment

1. Effective Date: 1/27/2015
2. Fiscal Year: 2015-16

3. Amendment to Operating ___X___ and/or Capital Project ____ appropriation.

City Manager's Office — 4. Requesting Department
1/27/2015 — 5. Today's Date
6. Department Head Signature

7. Comments/Purpose: acceptance of Z Smith Reynolds Grant funding

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue: Private Donation				
22000015-483300-G1405	0.00	$0.00	$30,000.00	$30,000.00
Expenditure: Awarded Grants	0.00	$0.00	$30,000.00	$30,000.00
22000015-527101-G1405				

ORDINANCE NO. 4379

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 99999 FAIRVIEW ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City; and is reasonable and in the public interest for the following reasons:

a) City-adopted plans and policies support mixed-use development, especially providing residential uses in a walkable location proximate to transit;
b) The applicant has offered to place a transit shelter on the site;
c) The project provides an active commercial streetscape along Fairview Road with pedestrian access to spaces;
d) Multi-family residential use would provide a good transition between single-family and commercial uses on either side;
e) The project will dedicate ten units at an affordable rent for a period of five years.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PINs 9648.80-8406 and 9648.89-8924, recorded in Deed Book 4557, Page 1313 and currently owned by Dabhill, LLC from Urban Village to Urban Place - Conditional Zoning District (UP CZ). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1" and the site plan, attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 27 day of January, 2015.

Magdalen Bulleson
City Clerk

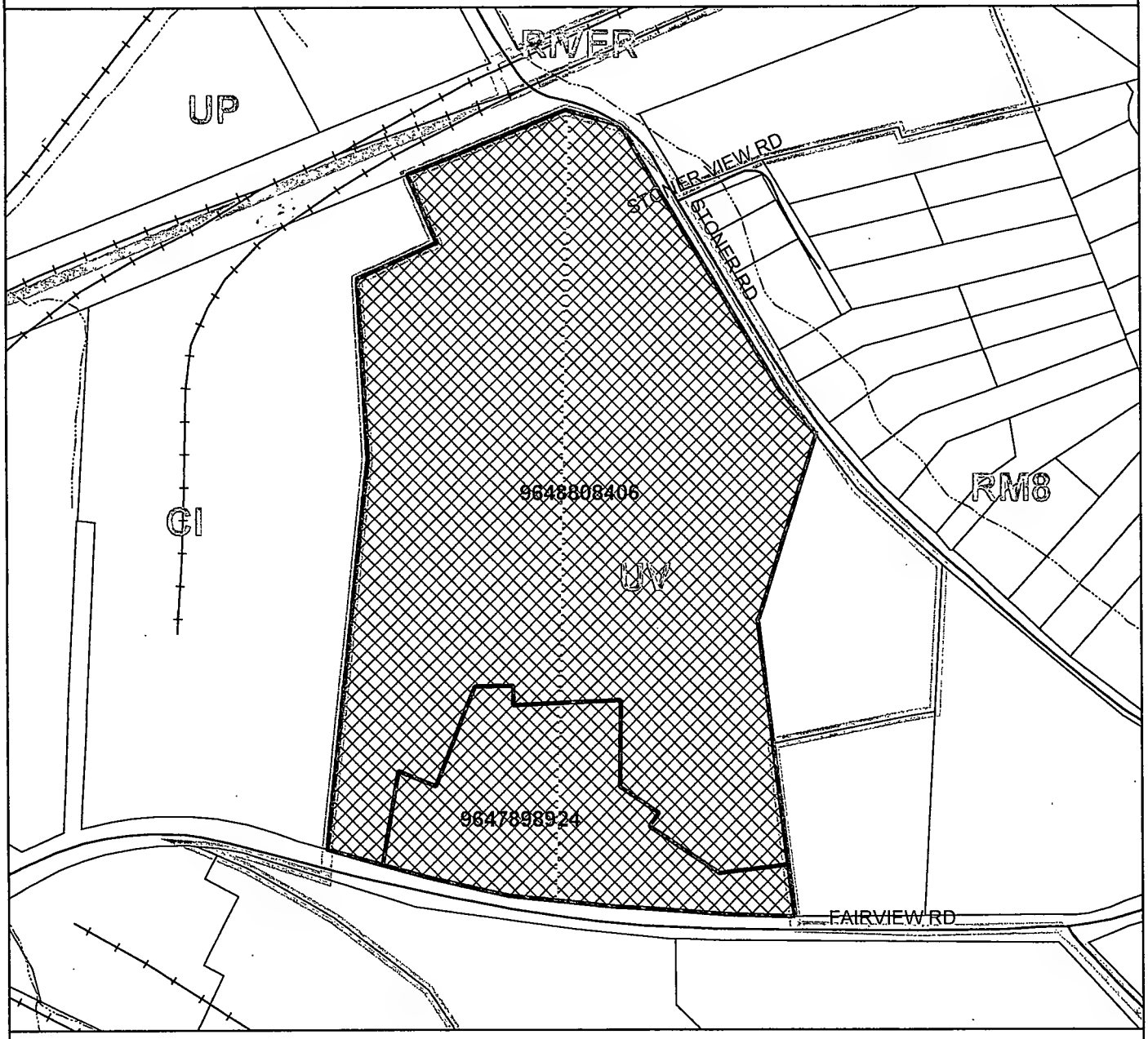
Esther E. Manheimer
Mayor

Approved as to form:

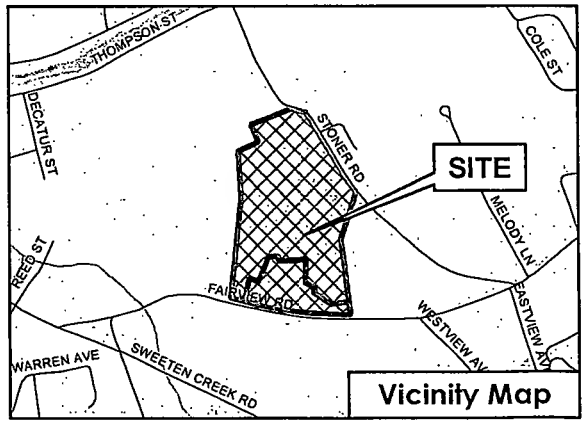
Robin Currin
City Attorney

Magdalen Bulleson
City Clerk

City of Asheville - Exhibit A Map
Conditional Zoning - Biltmore Apartments



Project Name:	Biltmore Apartments
Project Number:	14-11869PZ
Project Description:	Mixed use development
Petitioner(s):	Will Buie
Parcel ID Number(s):	9648-80-8406 9647-89-8924
Location/Address:	Fairview Road



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Development Department - September 2014

EXHIBIT B.1
CONDITIONS

1. Approval is for a mixed-use development with 309 residential units contained in four buildings with 5 live-work units and at least 9,742 square feet of retail space. Maximum building height is 73 feet.
2. The project will be constructed in substantial conformity with the attached site plan and elevations and subject to all applicable state, federal and local requirements.
3. AFFORDABLE UNITS – The applicant will dedicate seven percent (7%) of the units at the City's affordable rent for a period of ten years. The rent limits are according to income standards determined by the City of Asheville Community Development Department.
4. There are 578 parking spaces with a minimum of 22 accessible spaces and 30 bicycle parking spaces.
5. Council approves the condition to allow parking to be located between the face or edge of a structure and the street, along Stoner Road.
6. Signage shall be separately permitted and shall meet the standards of the City of Asheville Sign Ordinance (Article XIII of Chapter 7 of the Code of Ordinances).
7. All site lighting must comply with the City's Lighting Standards (Section 7-11-10 of the Code of Ordinances). Proposed lighting plans must be submitted at Final TRC.
8. All landscaping must meet the minimum size requirements set forth in Section 7-11-3(f)(3) of the UDO. All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape and grading plans.
9. The project includes new sidewalks with a minimum width of 10 feet along Fairview Road and new sidewalk along Stoner Road for the length of the property.
10. The applicant will provide at least 30,537 square feet of open space in the urban form of hardscaped plazas.
11. Retaining walls will comply with aesthetic treatments or landscaping as required in Section 7-10-5 of the UDO.
12. A TIS was required due to the anticipated volume of traffic and has been reviewed by the Traffic Engineer. The project is not expected to create a hazard or undue congestion based on the proposed plans, and the recommendations contained by the Traffic Impact Study. Two of the recommendations that will be incorporated into the design are a dedicated left turn-in lane heading eastbound and a dedicated right turn-in lane heading westbound on Fairview Road.
13. The property owner and/or applicant shall pay to the City of Asheville $200,000 on or before the date the first building permit is issued for the purpose of promoting connectivity from the property to Sweeten Creek Road and Biltmore Village and/or for traffic calming measures or pedestrian enhancements on or around Fairview Road and Stoner Road.
14. The project shall comply with all conditions outlined in the TRC staff report as indicated below:
    a. Clarify if the street trees proposed to be in a planting strip or urban form, i.e. tree grates (7-11-3).
    b. Where the property line buffer and street tree requirements overlap on Stoner Road, they do not need to be duplicated (7-11-3).
    c. Greater detail is needed regarding compliance with retaining wall standards (7-10-5). Please provide specifics on the type of wall proposed (spec sheets). Also, please provide a more detailed landscape plan in sections due to the extent of the walls proposed. Developer must secure building permits for all retaining walls concurrent with final grading review. Retaining systems shall meet the requirements of Section 1610. Testing

and inspection reports shall comply with Section 1704.1.2

d. Plan revisions must reflect the recommendations contained in the Traffic Impact Study.
e. Depict the sight visibility triangles *(10 feet by 50 feet)* as required by the UDO.
f. Indicate the widths of driveway access openings on plans.
g. A bicycle rack(s) is/are required. The minimum number of bicycle parking spaces required shall be equal to 5% of the total number of automobile parking spaces.
h. For bus shelter, must provide 7 x 16 foot concrete pad at back of sidewalk west of entrance on Fairview Rd. Please show on plans with dimensions detailed with City of Asheville easement for shelter pad area.
i. Plans must comply with accessibility requirements for number of parking spaces.
j. Plan indicates an accessible route has been provided from some entries and exits. ALL building exits shall be located on an accessible route to the public way.
k. Bike racks shall be located to prevent overlap of accessible route when utilized.
l. Provide percent of grade on all privately maintained sidewalks (5% max) or provide fully detailed ramps. Sidewalks that are maintained by the city are allowed to follow the grade of the adjacent roadway.
m. Vehicular Barrier required where retaining walls are adjacent to parking. Comply with structural requirements defined in NCBC Section 1607.7.3 Vehicle barriers.
n. All retaining walls shall be protected with guardrails at locations where the change of level is 30" or more. The guardrail shall be 42" minimum in height and prevent the passage of a 21" sphere unless adjacent to a walking surface. Where adjacent to walking surfaces the guardrail shall comply with Section 1013 of the NCBC.
o. A Letter of Commitment for water availability has been issued for the project. Water service shall be provided per the conditions of the Letter of Commitment. A separate plan review will be required per the terms outlined in the issued Letter of Commitment.
p. Obtain encroachment agreement to tie into the City of Asheville Stormwater system
q. Must install stormwater junction box on right-of-way line.
r. Separate grading and stormwater permit applications are required and shall be submitted concurrent or prior to submittal of TRC final plans. Detailed plans and stormwater calculations will be required with the permit applications.
s. The project is not exempt from certain provisions of post-construction stormwater quality and quantity control regulations because the ultimate development or redevelopment will cumulatively result in a disturbed area that exceeds one acre and an impervious surface area on completion of development that exceeds 50 percent of the total acreage of the development site. Quality and quantity stormwater management will be required in accordance with City of Asheville Unified Development Ordinance Section 7-12-2. [Ref.: City of Asheville Code of Ordinances, Part II, Section 7-12-2 (a) (7) b]
t. Development of the individual apartment buildings shall each be accompanied by a grading permit application and a Grading Permit Waiver is needed. This method will facilitate a Temporary Certificate of Compliance for the entire site and Temporary Certificates of Occupancy for each of the apartment buildings to be occupied individually. The entire site and all of the apartment buildings will receive final Certificates of Compliance and Occupancy, respectively, at the conclusion of the project.
u. Driveway Permits and/or Encroachment Agreements will be required to conduct work within the City of Asheville road rights-of-way along Fairview Road.
v. An Encroachment Agreement will be required to conduct work within the Norfolk Southern Railroad right-of-way.
w. Certificates of Occupancy will not be released until MSD has approved the construction of the sewer extension and completed final document closeout.

15. The project will undergo final review by the TRC prior to issuance of any permits and compliance

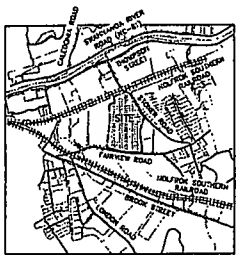
with the items listed above will be required at that time.

16. A planning inspection is required prior to obtaining a certificate of occupancy. This inspection should be scheduled through the Development Services inspection line.

WGLA Project Number: 14135
Revisions:

10/01/14 COA COMMENTS
11/03/14 REVISED BUILDINGS 100 & 200

FLOURNOY – BILTMORE APARTMENTS
TRC SUBMITTAL
COVER SHEET



LOCATION MAP
SCALE: 1" = 1000'

DEVELOPMENT DATA BLOCK

NAME OF PROJECT: FLOURNOY – BILTMORE APARTMENTS

PROJECT ADDRESS: FAIRVIEW RD
ASHEVILLE, NC

PROPERTY OWNER: DASHILL, LLC
P.O. BOX 1870
CHARLESTON, SC 29402
(307) 413-8813

ENGINEER: WILLIAM R. BLUE, P.E.
WGLA ENGINEERING, PLLC
214 N. KING STREET
HENDERSONVILLE, NC 28792
(828) 687-7177

ARCHITECT: DANNY FERNANDEZ, AIA
MILES BOLTON ASSOCIATES
3060 PEACHTREE RD NW
SUITE 600
ATLANTA, GA 30305
(404) 365-7600

LANDSCAPE ARCHITECT: PAUL LASETER, PLA, LEED AP
MILES BOLTON ASSOCIATES
3060 PEACHTREE RD NW
SUITE 600
(404) 365-7888

DEVELOPER: FLOURNOY DEVELOPMENT CO.
900 BROOKSTONE CENTRE PKWY
P.O. BOX 6368
COLUMBUS, GA 31917-6368
(706) 243-9403

DATE OF APPLICATION:
TRC SUBMITTAL/RE-SUBMITTAL AUGUST 27, 2014

REVISION BLOCK:

PLANNING & ZONING SUBMITTAL OCTOBER 2, 2014
PLANNING & ZONING RE-SUBMITTAL NOVEMBER 10, 2014

CITY OF ASHEVILLE
BUNCOMBE COUNTY, NORTH CAROLINA

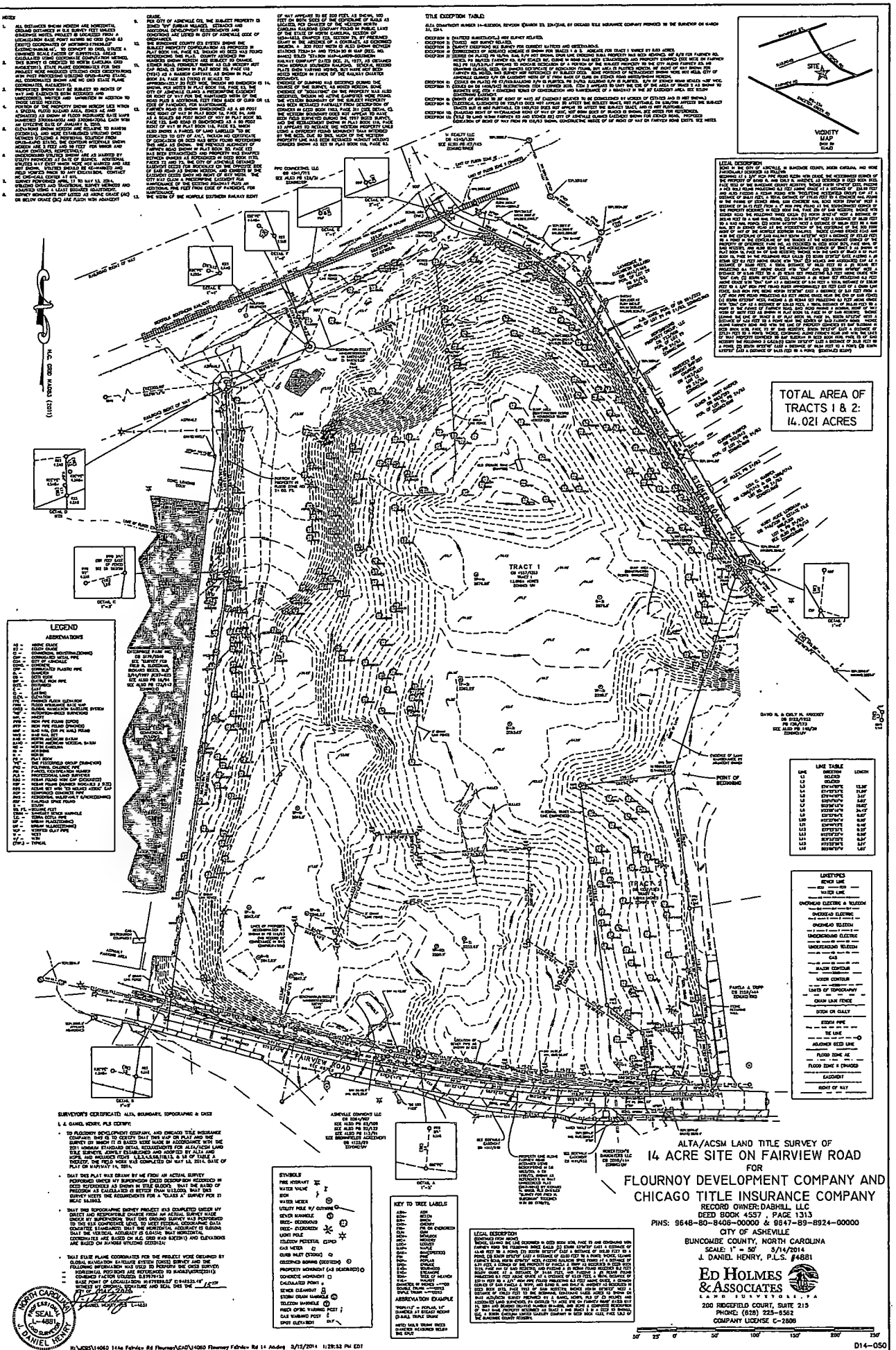
INDEX

SHEET NO.	DESCRIPTION
	ALTA/ACSM LAND TITLE SURVEY
L0.01	CONCEPTUAL LANDSCAPING PLANS
C-100	EXISTING CONDITIONS & DEMOLITION PLAN
NOT REQUIRED	MASTER PLAN
C-200	CONCEPTUAL SITE LAYOUT, MATERIALS & ZONING COMPLIANCE PLANS
A3.11 – A3.14	BUILDING ELEVATIONS
NOT REQUIRED	CONCEPTUAL BUILDING ELEVATION PLAN
C-300	CONCEPTUAL GRADING & EROSION CONTROL PLAN
NOT REQUIRED	STEEP SLOPE & RIDGETOP DEVELOPMENT COMPLIANCE PLAN
C-400	STORM WATER PLAN
C-500	WATER SYSTEM LAYOUT
C-600	SANITARY SEWER PLAN

WGLA Engineering, PLLC
CONSULTING ENGINEERS & LAND PLANNERS
NC License No: P-1342
214 N. King Street
Hendersonville, North Carolina 28792
(828) 687-7177
wgla.com

Attachment to B-1

.342


TOTAL AREA OF TRACTS 1 & 2: 14.021 ACRES
TRACT 1
FAIRVIEW ROAD
SUMMER BOARD
LEGEND
LINE TABLE
LINETYPES
KEY TO TREE LABELS
ABBREVIATION EXAMPLE
VICINITY MAP
SITE
ALTA/ACSM LAND TITLE SURVEY OF
14 ACRE SITE ON FAIRVIEW ROAD
FOR
FLOURNOY DEVELOPMENT COMPANY AND
CHICAGO TITLE INSURANCE COMPANY
RECORD OWNER: DABHILL, LLC
DEED BOOK 4557 , PAGE 1313
PINS: 9648-80-8406-00000 & 9647-89-8924-00000
CITY OF ASHEVILLE
BUNCOMBE COUNTY, NORTH CAROLINA
SCALE: 1" = 50'
5/14/2014
J. DANIEL HENRY, P.L.S. #4881
ED HOLMES & ASSOCIATES
LAND SURVEYORS, P.A.
200 RIDGEFIELD COURT, SUITE 215
PHONE: (828) 225-6562
COMPANY LICENSE C-2806
SURVEYOR'S CERTIFICATE: ALTA, BOUNDARY, TOPOGRAPHIC & DCS
J. DANIEL HENRY, PLS CERTIFY:
NORTH CAROLINA PROFESSIONAL SEAL L-4881 LAND SURVEYOR J. DANIEL HENRY
D14-050

DEVELOPMENT DATA:

PROJECT INFORMATION:
FLOURNOY - BILTMORE APARTMENTS
FAIRVIEW ROAD
ASHEVILLE, NC

PROPERTY OWNER:
DASHILL LLC
P.O. BOX 1870
CHARLESTON, SC 29402
(307) 413-8813

CONTACT PERSON:
RYAN M. FOSTER
FLOURNOY DEVELOPMENT CO.
900 BROOKSTONE CENTRE PKWY.
P.O. BOX 6568
COLUMBUS, GA 31917-6568
(706) 243-9403

PIN #:
9648-80-8406
9647-89-8924

TOTAL ACREAGE:
APPROX. 14.02 ACRES

ZONING:
EXISTING- (UV) URBAN VILLAGE
PROPOSED- (UP) URBAN PLACE (COA)
(CONDITIONAL ZONING)

PLANTING LEGEND

ST = STREET TREE
VUA = VEHICULAR USE AREA
SYB = STREET YARD BUFFER
O.C.= ON CENTER
LF = LINEAR FEET
3G = 3 GALLON

LANDSCAPE CALCULATIONS:

A.) VUA- PERIMETER AND INTERIOR PLANTINGS:
ONE DECIDUOUS TREE AND FOUR SHRUBS REQUIRED FOR EVERY 1,500 SQ. FT. OF VUA. 75 PERCENT OF REQUIRED DECIDUOUS PARKING LOT TREES MUST BE LARGE-MATURING TREES.
-212,400 SQ. FT. OF VUA / 1,500 = 141.6
-NUMBER OF TREES REQUIRED = 142 TREES (100 LARGE-MATURING)
-NUMBER OF TREES PROVIDED = 142 TREES (100 LARGE & 42 SMALL)
-NUMBER OF SHRUBS REQUIRED = 568 SHRUBS
-NUMBER OF SHRUBS PROVIDED = 568 SHRUBS

B.) STREET TREES
ONE LARGE DECIDUOUS TREE PER 40 LF OF PROPERTY LINE ABUTTING A STREET
FAIRVIEW ROAD: 698 LF OF STREET FRONTAGE = 18 STREET TREES
-TOTAL OF LARGE DECIDUOUS TREE REQUIRED = 18
-TOTAL OF LARGE DECIDUOUS TREE PROVIDED = 18
STONER ROAD: 591 LF OF STREET FRONTAGE = 15 STREET TREES
-TOTAL OF LARGE DECIDUOUS TREE REQUIRED = 15
-TOTAL OF LARGE DECIDUOUS TREE PROVIDED = 24

C.) STREET YARD BUFFER
ONE EVERGREEN SHRUB OR DECIDUOUS SHRUB PLANTED FOR EVERY FIVE LINEAR FEET OF VUA WITHIN 50' OF A STREET. SPECIES PLANTED MUST REACH A MIN. HEIGHT OF THREE FEET.
82 LF / 5 = 16.4
-NUMBER OF SHRUBS REQUIRED = 17
-NUMBER OF SHRUBS PROVIDED = >17

D.) BUFFER YARD TYPE "A"
FOUR EVERGREEN TREES, THREE LARGE DECIDUOUS TREES, THREE SMALL DECIDUOUS TREES, TEN LARGE SHRUBS, AND TEN SMALL SHRUBS PER 100 LF OF PROPERTY LINE ABUTTING RM ZONED AREAS.
-AREA 1: 342 LF OF PROPERTY LINE ABUTTING RM ZONED AREA =
- 14 EVERGREEN TREES
- 11 LARGE DECIDUOUS TREES
- 11 SMALL DECIDUOUS TREES
- 35 LARGE SHRUBS
- 35 SMALL SHRUBS

-AREA 2: 213 LF OF PROPERTY LINE ABUTTING RM ZONED AREA =
- 9 EVERGREEN TREES
- 7 LARGE DECIDUOUS TREES
- 7 SMALL DECIDUOUS TREES
- 22 LARGE SHRUBS
- 22 SMALL SHRUBS

*EXACT PLANTING AMOUNTS PROVIDED FOR AREAS ONE AND TWO BASED ON THE NEEDS OF EACH.

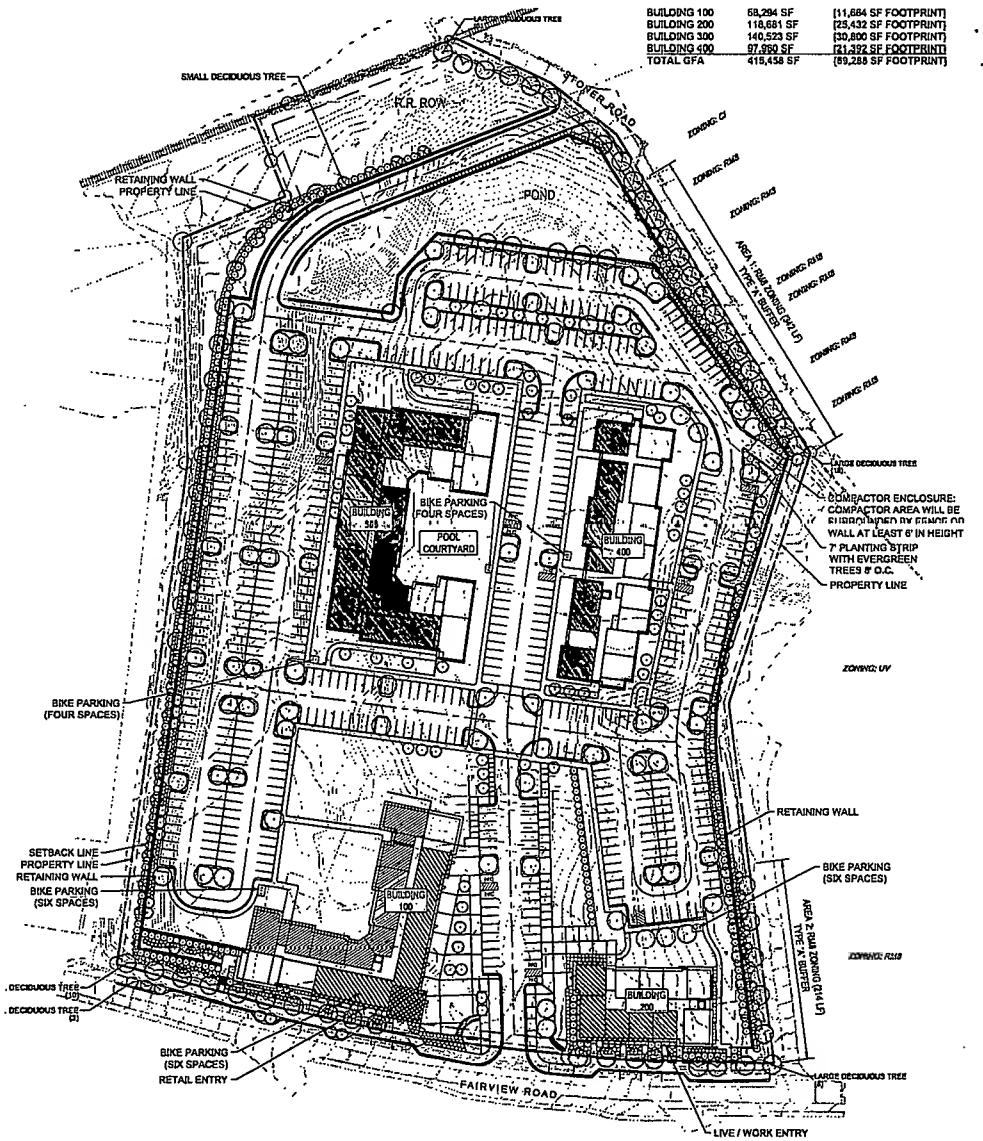
E.) BUILDING IMPACT LANDSCAPING
ONE TREE AND TWO SHRUBS ARE REQUIRED FOR EVERY 1,000 SQ. FT. OF BUILDING FOOTPRINT. TREES & SHRUBS MAY BE PLANTED ANYWHERE ON SITE
89,288 TOTAL BUILDING FOOTPRINT SQ. FT. / 1,000 = 89.288
-NUMBER OF TREES REQUIRED = 89
-NUMBER OF TREES PROVIDED = 89
-NUMBER OF SHRUBS REQUIRED = 179
-NUMBER OF SHRUBS PROVIDED = 179

E.) RETAINING WALL PLANTING REQUIREMENTS
THE AMOUNT OF PLANTING MATERIAL WILL DEPEND ON THE WALL HEIGHT. SEE CHART BELOW FOR RETAINING WALL HEIGHTS AND WIDTH OF FOREGROUND PLANTING STRIPS.

->8-10 FEET (497 LF)	REQUIRED: 5- FOOT WIDE PLANTING STRIP AT WALL BASE WITH 3G SHRUB PLANTED FIVE FEET O.C. PROVIDED: 100 SHRUBS (497 LF / 5 FT O.C.)
->10-20 FEET (723 LF)	REQUIRED: 5- FOOT WIDE PLANTING STRIP AT WALL BASE WITH 3G SHRUB PLANTED FIVE FEET O.C. PLUS ONE SMALL MATURING TREE FOR EVERY 30 LF. PROVIDED: 145 SHRUBS (723 LF / 5 FT O.C.); 25 SMALL TREES (723 LF / 30 FT O.C.)
->20-30 FEET (763 LF)	REQUIRED: 8- FOOT WIDE PLANTING STRIP AT WALL BASE WITH 3G SHRUB PLANTED FIVE FEET O.C. PLUS ONE SMALL MATURING TREE FOR EVERY 30 LF. PROVIDED: 153 SHRUBS (763 LF / 5 FT O.C.); 28 SMALL TREES (763 LF / 30 FT O.C.)
->30 FEET (574 LF)	REQUIRED: 10- FOOT WIDE PLANTING STRIP AT WALL BASE WITH 3G SHRUB PLANTED FIVE FEET O.C. PLUS ONE LARGE MATURING TREE FOR EVERY 40 LF. PROVIDED: 115 SHRUBS (574 LF / 5 FT O.C.); 15 LARGE TREES (574 LF / 40 FT O.C.)

NOTES:

1. FINAL SELECTION OF PLANT MATERIALS IS TO CONFORM WITH THE CITY OF ASHEVILLE RECOMMENDED SPECIES LIST. PLANT MATERIALS THAT ARE NOT ON THE SPECIES LIST MAY BE USED WITH THE APPROVAL OF THE PLANNING STAFF.



BUILDING INFORMATION:

RESIDENTIAL UNITS — 309 UNITS

	1BR	2BR	3BR	
100	31	12	4	47 UNITS
200	41	35	10	88 UNITS
300	42	39	18	99 UNITS
400	41	36	0	77 UNITS

GROSS FLOOR AREA:

BUILDING 100	58,294 SF	[11,684 SF FOOTPRINT]
BUILDING 200	118,681 SF	[25,432 SF FOOTPRINT]
BUILDING 300	140,523 SF	[30,800 SF FOOTPRINT]
BUILDING 400	97,960 SF	[21,372 SF FOOTPRINT]
TOTAL GFA	415,458 SF	[89,288 SF FOOTPRINT]

DEVELOPMENT BLOCK:

NAME OF PROJECT: FLOURNOY - BILTMORE APARTMENTS

PROJECT ADDRESS: FAIRVIEW RD
ASHEVILLE, NC

PROPERTY OWNER: DASHILL LLC
P.O. BOX 1870
CHARLESTON, SC 29402
(307) 413-8813

CONTACT PERSON: RYAN M. FOSTER
FLOURNOY DEVELOPMENT CO.
900 BROOKSTONE CENTRE PKWY.
P.O. BOX 6568
COLUMBUS, GA 31917-6568
(706) 243-9403

PIN #: 9648-80-8406
9647-89-8924

TOTAL ACREAGE: 14.02 ± ACRES

EXISTING ZONING: UV - URBAN VILLAGE (COA)
PROPOSED ZONING: UP(CZ) - URBAN PLACE (COA)
(CONDITIONAL ZONING)

BUILDING SETBACKS:
0-15' FRONT
0' SIDE
0' REAR

VEHICLE PARKING SPACES:
REQUIRED (HOUSING): 341 MIN. / 651 MAX.
(277 1/2 BEDROOM UNITS & 32 3 BEDROOM UNITS)
REQUIRED (RETAIL): 28 (1 PER 350 SF)
REQUIRED (LIVE/WORK): 15 (1 PER 350 SF)
PROVIDED: 578 (12 HC)

BICYCLE PARKING SPACES:
REQUIRED: 29 (5% OF PARKING)
PROVIDED: 30 (SEE LANDSCAPE PLAN)

RESIDENTIAL DENSITY:
ALLOWED: 84 UNITS/AC.
PROPOSED: 21.04 UNITS/AC.
309 TOTAL PROPOSED UNITS:
304 APARTMENT UNITS
5 LIVE/WORK UNITS

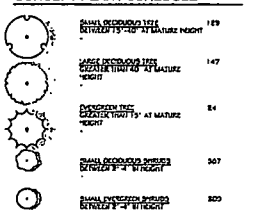
RETAIL DENSITY: 9,742 SQ.FT
LIVE/WORK DENSITY: 5,000 SQ.FT

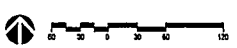
MAX. BUILDING HEIGHT: BUILDING 100: 73'
BUILDING 200: 63'
BUILDINGS 300 & 400: 53'
(MEASURED FROM FINISHED FLOOR OF LOWEST LEVEL TO CEILING OF HEIGHEST FLOOR)

MAX. NUMBER OF STORIES: BUILDING 100 - 5 STORY W/ BASEMENT
BUILDING 200 - 5 STORY
BUILDING 300 - 4 STORY W/ BASEMENT
BUILDING 400 - 4 STORY W/ BASEMENT

FOOTPRINT: 89,288 S.F.
GROSS FLOOR AREA: 415,458 S.F.
OPEN SPACE CALCULATIONS:
REQUIRED:
(5% x ENTIRE SITE) = 30,537 S.F. (0.70 AC.)
PROVIDED: 58,576 S.F (1.34± AC.) (9±%)

CONCEPT PLANT SCHEDULE





NILES BOLTON ASSOCIATES

3040 Peachtree Rd. N.W.
Suite 600
Atlanta, GA 30305

T 404 365 7600
F 404 365 7610

www.nilesbolton.com

ISSUE DATE DESCRIPTION

This drawing, as an instrument of service, is and shall remain the property of the Architects and shall not be reproduced, published or used in any way without the permission of the Architect.

Biltmore APARTMENTS

Asheville North Carolina

Flournoy COMPANIES

SHEET TITLE: LANDSCAPE PLAN

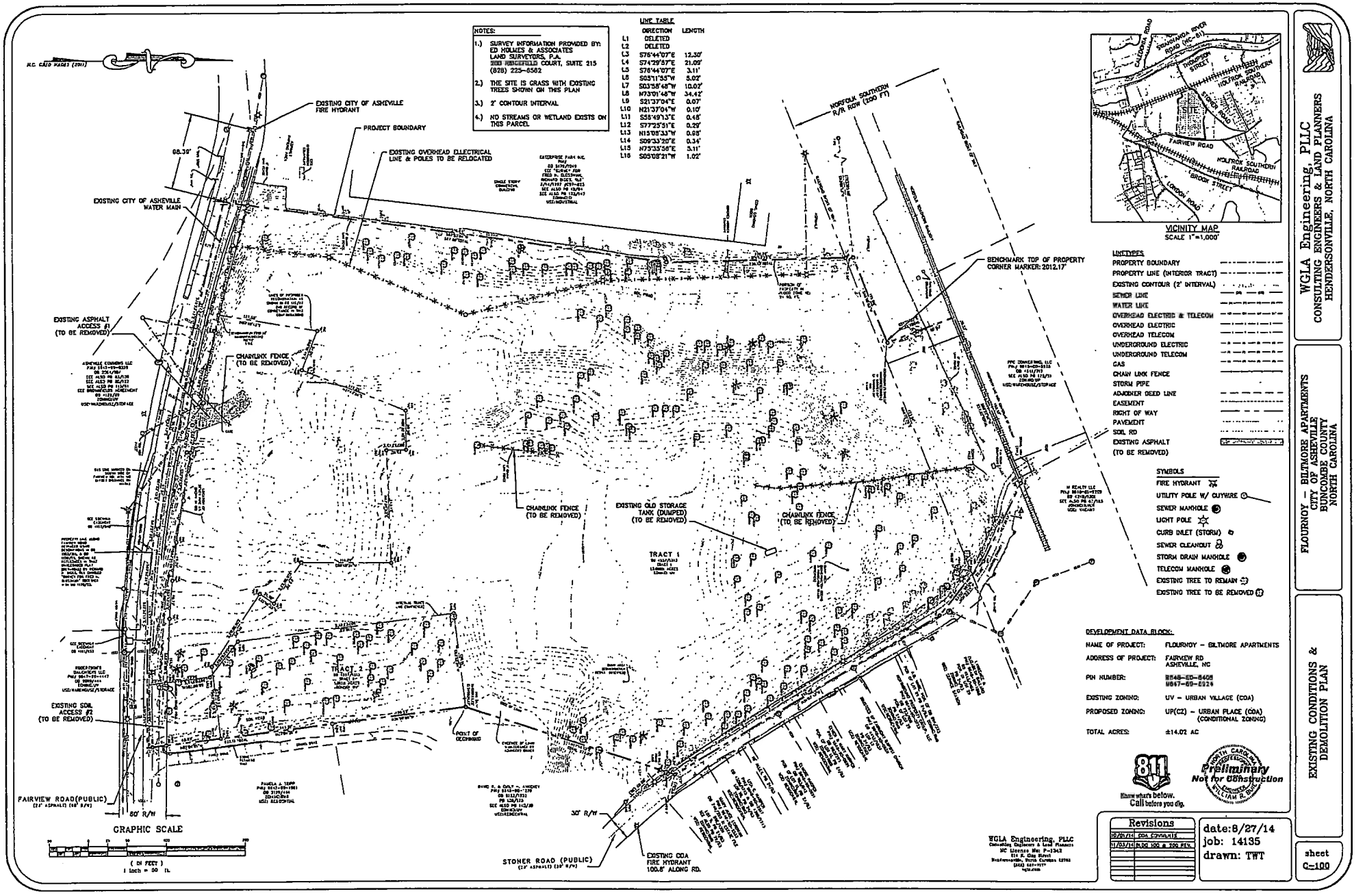
SHEET NUMBER: L0.01

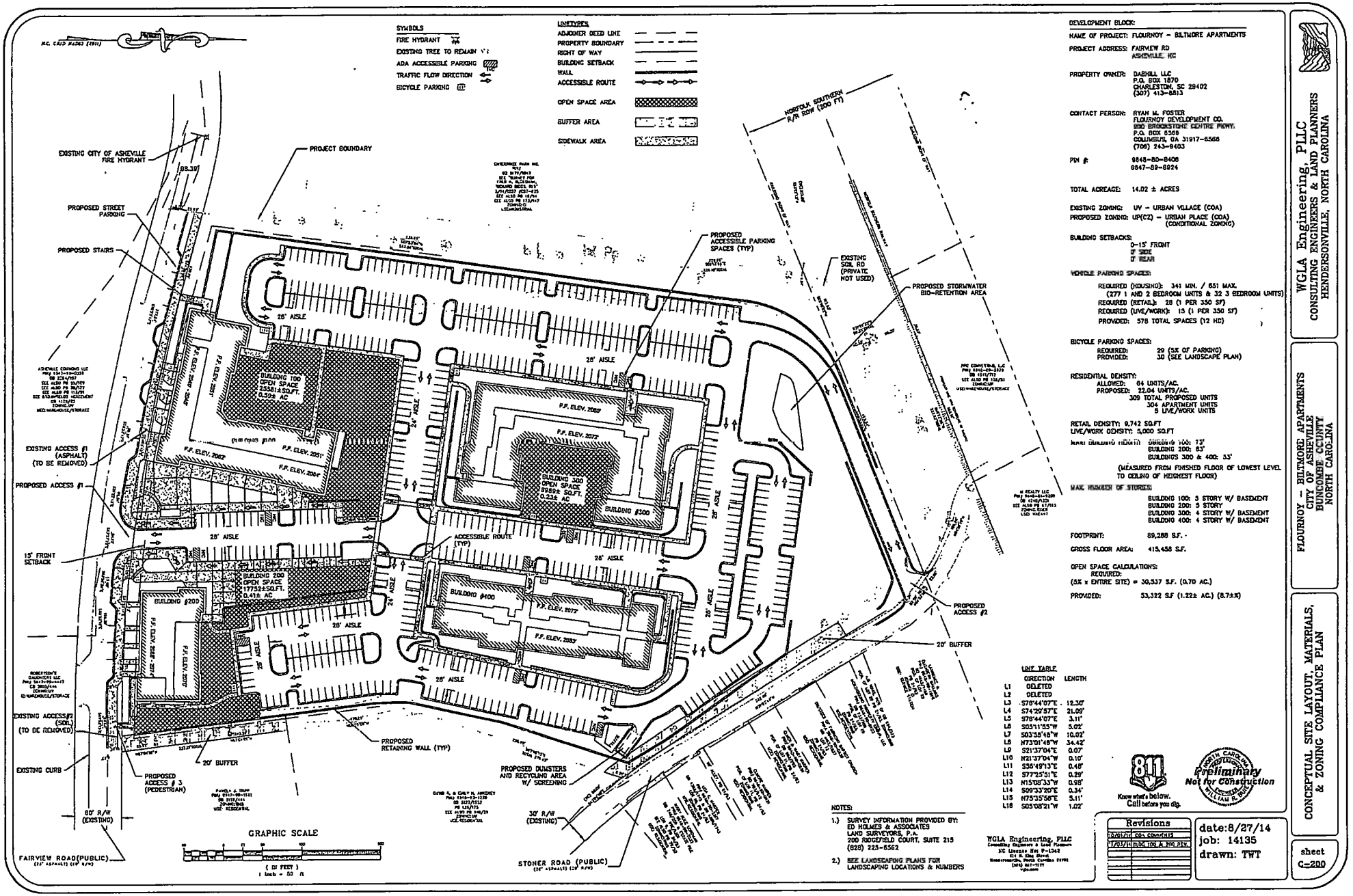
DATE: 10/01/2014

PROJECT #: 114058
DRAWN BY: CF
CHECKED BY: R.

RELEASED FOR CONSTRUCTION

Z:\ARCH\114\114058\Land\04_Docs\3_01 LANDSCAPE PLAN.dwg Plotted: Nov 05, 2014 - 3:07pm by lisa


NOTES:
1.) SURVEY INFORMATION PROVIDED BY: ED HOLMES & ASSOCIATES LAND SURVEYORS, P.A. 200 RIDGEFIELD COURT, SUITE 215 (828) 225-6562
2.) THE SITE IS GRASS WITH EXISTING TREES SHOWN ON THIS PLAN
3.) 2' CONTOUR INTERVAL
4.) NO STREAMS OR WETLAND EXISTS ON THIS PARCEL
LINE TABLE
DIRECTION LENGTH
L1 DELETED
L2 DELETED
L3 S76°44'07"E 12.30'
L4 S74°29'57"E 21.09'
L5 S78°44'07"E 3.11'
L6 S05°11'55"W 5.02'
L7 S03°58'48"W 10.02'
L8 N73°01'48"W 34.42'
L9 S21°37'04"E 0.07'
L10 N21°37'04"W 0.10'
L11 S58°49'13"E 0.48'
L12 S77°25'51"E 0.29'
L13 N15°08'33"W 0.98'
L14 S09°33'20"E 0.34'
L15 N75°35'56"E 3.11'
L16 S05°09'21"W 1.02'
EXISTING CITY OF ASHEVILLE FIRE HYDRANT
PROJECT BOUNDARY
EXISTING OVERHEAD ELECTRICAL LINE & POLES TO BE RELOCATED
EXISTING CITY OF ASHEVILLE WATER MAIN
NORFOLK SOUTHERN R/R ROW (200 FT)
BENCHMARK TOP OF PROPERTY CORNER MARKER: 2012.17'
EXISTING ASPHALT ACCESS #1 (TO BE REMOVED)
CHAINLINK FENCE (TO BE REMOVED)
CHAINLINK FENCE (TO BE REMOVED)
EXISTING OLD STORAGE TANK (DUMPED) (TO BE REMOVED)
CHAINLINK FENCE (TO BE REMOVED)
TRACT 1
TRACT 2
EXISTING SOIL ACCESS #2 (TO BE REMOVED)
POINT OF BEGINNING
FAIRVIEW ROAD(PUBLIC)
60' R/W
30' R/W
STONER ROAD (PUBLIC)
EXISTING CDA FIRE HYDRANT 100.8' ALONG RD.
GRAPHIC SCALE
(IN FEET)
1 inch = 50 ft.
VICINITY MAP
SCALE 1"=1,000'
LINETYPES
PROPERTY BOUNDARY
PROPERTY LINE (INTERIOR TRACT)
EXISTING CONTOUR (2' INTERVAL)
SEWER LINE
WATER LINE
OVERHEAD ELECTRIC & TELECOM
OVERHEAD ELECTRIC
OVERHEAD TELECOM
UNDERGROUND ELECTRIC
UNDERGROUND TELECOM
GAS
CHAIN LINK FENCE
STORM PIPE
ADJOINER DEED LINE
EASEMENT
RIGHT OF WAY
PAVEMENT
SOIL RD
EXISTING ASPHALT (TO BE REMOVED)
SYMBOLS
FIRE HYDRANT
UTILITY POLE W/ GUYWIRE
SEWER MANHOLE
LIGHT POLE
CURB INLET (STORM)
SEWER CLEANOUT
STORM DRAIN MANHOLE
TELECOM MANHOLE
EXISTING TREE TO REMAIN
EXISTING TREE TO BE REMOVED
DEVELOPMENT DATA BLOCK:
NAME OF PROJECT: FLOURNOY - BILTMORE APARTMENTS
ADDRESS OF PROJECT: FAIRVIEW RD ASHEVILLE, NC
PIN NUMBER: 9648-60-6405 9647-69-6924
EXISTING ZONING: UV - URBAN VILLAGE (COA)
PROPOSED ZONING: UP(CZ) - URBAN PLACE (COA) (CONDITIONAL ZONING)
TOTAL ACRES: ±14.02 AC
811 Know what's below. Call before you dig.
Preliminary Not for Construction
WGLA Engineering, PLLC
Consulting Engineers & Land Planners
NC License No: P-1342
Revisions
10/01/14 COA COMMENTS
11/03/14 BLDG 100 & 200 REV.
date:8/27/14
job: 14135
drawn: TWT
sheet C-100
WGLA Engineering, PLLC
CONSULTING ENGINEERS & LAND PLANNERS
HENDERSONVILLE, NORTH CAROLINA
FLOURNOY - BILTMORE APARTMENTS
CITY OF ASHEVILLE
BUNCOMBE COUNTY
NORTH CAROLINA
EXISTING CONDITIONS & DEMOLITION PLAN



LINE TABLE

	DIRECTION	LENGTH
L1	DELETED	
L2	DELETED	
L3	S78°44'07"E	12.30'
L4	S74°29'57"E	21.09'
L5	S78°44'07"E	3.11'
L6	S05°11'55"W	5.02'
L7	S03°35'48"W	10.02'
L8	N73°01'48"W	34.42'
L9	S21°37'04"E	0.07'
L10	N21°37'04"W	0.10'
L11	S36°49'13"E	0.48'
L12	S77°25'51"E	0.29'
L13	N15°08'33"W	0.98'
L14	S09°33'20"E	0.34'
L15	N75°35'56"E	5.11'
L16	S05°08'21"W	1.02'

NOTES:

1.) SURVEY INFORMATION PROVIDED BY: ED HOLMES & ASSOCIATES LAND SURVEYORS, P.A. 200 RIDGEFIELD COURT, SUITE 215 (828) 225-6562

2.) SEE LANDSCAPING PLANS FOR LANDSCAPING LOCATIONS & NUMBERS

WGLA Engineering, PLLC
Consulting Engineers & Land Planners
NC License No. P-1348
114 N. Gaston Street
Hendersonville, North Carolina 28792
(828) 697-7577
wgla.com

DEVELOPMENT BLOCK:

NAME OF PROJECT: FLOURNOY - BILTMORE APARTMENTS

PROJECT ADDRESS: FAIRVIEW RD
ASHEVILLE, NC

PROPERTY OWNER: DAEHILL LLC
P.O. BOX 1870
CHARLESTON, SC 29402
(307) 413-8813

CONTACT PERSON: RYAN M. FOSTER
FLOURNOY DEVELOPMENT CO.
890 BROOKSTONE CENTRE PKWY.
P.O. BOX 6568
COLUMBUS, GA 31917-6568
(706) 243-9403

PIN #: 9648-80-8406
9647-89-8924

TOTAL ACREAGE: 14.02 ± ACRES

EXISTING ZONING: UV - URBAN VILLAGE (COA)
PROPOSED ZONING: UP(CZ) - URBAN PLACE (COA) (CONDITIONAL ZONING)

BUILDING SETBACKS:
0-15' FRONT
0' SIDE
0' REAR

VEHICLE PARKING SPACES:
REQUIRED (HOUSING): 341 MIN. / 651 MAX. (277 1 AND 2 BEDROOM UNITS & 32 3 BEDROOM UNITS)
REQUIRED (RETAIL): 28 (1 PER 350 SF)
REQUIRED (LIVE/WORK): 15 (1 PER 350 SF)
PROVIDED: 578 TOTAL SPACES (12 HC)

BICYCLE PARKING SPACES:
REQUIRED: 29 (5% OF PARKING)
PROVIDED: 30 (SEE LANDSCAPE PLAN)

RESIDENTIAL DENSITY:
ALLOWED: 64 UNITS/AC.
PROPOSED: 22.04 UNITS/AC.
309 TOTAL PROPOSED UNITS
304 APARTMENT UNITS
5 LIVE/WORK UNITS

RETAIL DENSITY: 9,742 SQ.FT
LIVE/WORK DENSITY: 5,000 SQ.FT

MAX BUILDING HEIGHT: BUILDING 100: 75'
BUILDING 200: 83'
BUILDINGS 300 & 400: 53'
(MEASURED FROM FINISHED FLOOR OF LOWEST LEVEL TO CEILING OF HIGHEST FLOOR)

MAX NUMBER OF STORIES:
BUILDING 100: 5 STORY W/ BASEMENT
BUILDING 200: 5 STORY
BUILDING 300: 4 STORY W/ BASEMENT
BUILDING 400: 4 STORY W/ BASEMENT

FOOTPRINT: 89,288 S.F. -

GROSS FLOOR AREA: 415,456 S.F.

OPEN SPACE CALCULATIONS:
REQUIRED:
(5% x ENTIRE SITE) = 30,337 S.F. (0.70 AC.)
PROVIDED: 53,322 S.F (1.22± AC.) (8.7±%)

811 Know what's below. Call before you dig.

Preliminary Not for Construction
North Carolina Registered Landscape Architect
William R. Gilkey

Revisions	
08/01/14	per comments
7/01/14	mod. lot 4 & add alley

date: 8/27/14
job: 14135
drawn: TWT

sheet C-200

WGLA Engineering, PLLC
CONSULTING ENGINEERS & LAND PLANNERS
HENDERSONVILLE, NORTH CAROLINA

FLOURNOY - BILTMORE APARTMENTS
CITY OF ASHEVILLE
BUNCOMBE COUNTY
NORTH CAROLINA

CONCEPTUAL SITE LAYOUT, MATERIALS, & ZONING COMPLIANCE PLAN

elevation 2 / A3.11 — SOUTH
3/32"=1'-0" — BLDG 100 ELEVATION

elevation 1 / A3.11 — EAST
3/32"=1'-0" — BLDG 100 ELEVATION

DEVELOPMENT BLOCK:

NAME OF PROJECT: FLOURNOY – BILTMORE APARTMENTS

PROJECT ADDRESS: FAIRVIEW RD
ASHEVILLE, NC

PROPERTY OWNER: DASHILL LLC
P.O. BOX 1870
CHARLESTON, SC 29402
(307) 413-8313

CONTACT PERSON: RYAN M. FOSTER
FLOURNOY DEVELOPMENT CO.
900 BROOKSTONE CENTRE PKWY.
P.O. BOX 8568
COLUMBUS, GA 31917-8568
(706) 243-9403

PIN #: 9648-80-8408
9647-88-8924

TOTAL ACREAGE: 14.02 ± ACRES

EXISTING ZONING: UV – URBAN VILLAGE (COA)
PROPOSED ZONING: UV(CZ) – URBAN PLACE (COA)
(CONDITIONAL ZONING)

BUILDING SETBACKS:
0–15' FRONT
0' SIDE
0' REAR

VEHICLE PARKING SPACES:
REQUIRED (HOUSING): 341 MIN. / 651 MAX.
(277 1/2 BEDROOM UNITS & 32 3 BEDROOM UNITS)
REQUIRED (RETAIL): 28 (1 PER 350 SF)
REQUIRED (LIVE/WORK): 18 (1 PER 350 SF)
PROVIDED: 578 (12 HC)

BICYCLE PARKING SPACES:
REQUIRED: 29 (5% OF PARKING)
PROVIDED: 30 (SEE LANDSCAPE PLAN)

RESIDENTIAL DENSITY:
ALLOWED: 64 UNITS/AC.
PROPOSED: 21.04 UNITS/AC.
309 TOTAL PROPOSED UNITS:
304 APARTMENT UNITS
5 LIVE/WORK UNITS

RETAIL DENSITY: 9,742 SQ.FT
LIVE/WORK DENSITY: 8,000 SQ.FT

MAX. BUILDING HEIGHT: BUILDING 100: 73'
BUILDING 200: 63'
BUILDINGS 300 & 400: 53'
(MEASURED FROM FINISHED FLOOR OF LOWEST LEVEL TO CEILING OF HEIGHEST FLOOR)

MAX. NUMBER OF STORIES: BUILDING 100 – 6 STORY W/ BASEMENT
BUILDING 200 – 5 STORY
BUILDING 300 – 4 STORY W/ BASEMENT
BUILDING 400 – 4 STORY W/ BASEMENT

FOOTPRINT: 89,283 S.F.
GROSS FLOOR AREA: 410,456 S.F.
OPEN SPACE CALCULATIONS:
REQUIRED:
(5% x ENTIRE SITE) = 30,637 S.F. (0.70 AC.)
PROVIDED: 58,578 S.F (1.34± AC.) (9±%)

PROJECT #: 114058
DRAWN BY: TC
CHECKED BY: DF

NILES BOLTON ASSOCIATES

3060 Peachtree Rd. N.W.
Suite 600
Atlanta, GA 30305

T 404 365 7600
F 404 365 7610

www.nilesbolton.com

ISSUE DATE	DESCRIPTION

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Biltmore
APARTMENTS

Asheville
North Carolina

Flournoy COMPANIES

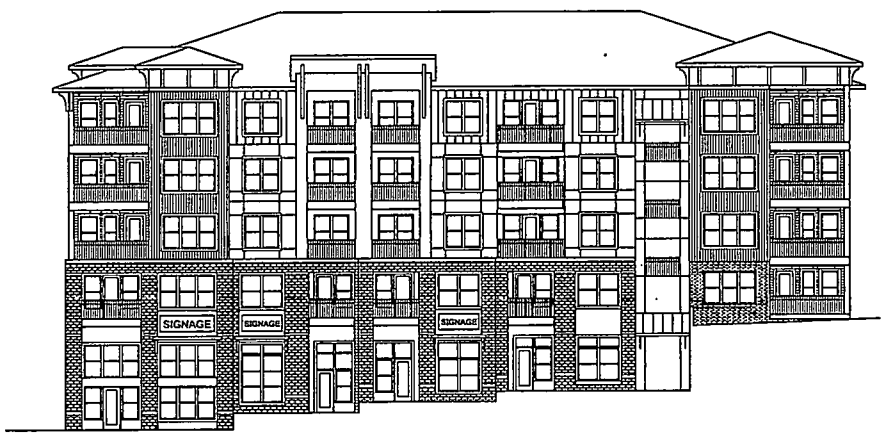
SHEET TITLE:
BUILDING 100
ELEVATIONS

SHEET NUMBER:
A3.11

DATE: 10/01/2014

RELEASED FOR CONSTRUCTION

elevation 2 / A3.12 — 3/32" = 1'-0" — WEST BLDG 200 ELEVATION



elevation 1 / A3.12 — 3/32" = 1'-0" — SOUTH BLDG 200 ELEVATION

DEVELOPMENT BLOCK:

NAME OF PROJECT: FLOURNOY – BILTMORE APARTMENTS

PROJECT ADDRESS: FAIRVIEW RD
ASHEVILLE, NC

PROPERTY OWNER: DASHILL LLC
P.O. BOX 1870
CHARLESTON, SC 29402
(307) 413-6813

CONTACT PERSON: RYAN M. FOSTER
FLOURNOY DEVELOPMENT CO.
900 BROOKSTONE CENTRE PKWY.
P.O. BOX 6568
COLUMBUS, GA 31917-6568
(706) 243-9403

PIN #: 9848-80-8408
9847-89-8924

TOTAL ACREAGE: 14.02 ± ACRES

EXISTING ZONING: UV – URBAN VILLAGE (COA)

PROPOSED ZONING: UP(CZ) – URBAN PLACE (COA)
(CONDITIONAL ZONING)

BUILDING SETBACKS:
0–15' FRONT
0' SIDE
0' REAR

VEHICLE PARKING SPACES:
REQUIRED (HOUSING): 341 MIN. / 551 MAX.
(277 1/2 BEDROOM UNITS & 32 3 BEDROOM UNITS)
REQUIRED (RETAIL): 28 (1 PER 350 SF)
REQUIRED (LIVE/WORK): 15 (1 PER 350 SF)
PROVIDED: 578 (12 HC)

BICYCLE PARKING SPACES:
REQUIRED: 29 (5% OF PARKING)
PROVIDED: 30 (SEE LANDSCAPE PLAN)

RESIDENTIAL DENSITY:
ALLOWED: 64 UNITS/AC.
PROPOSED: 21.04 UNITS/AC.
309 TOTAL PROPOSED UNITS:
304 APARTMENT UNITS
5 LIVE/WORK UNITS

RETAIL DENSITY: 6,710 SQ FT
LIVE/WORK DENSITY: 6,000 SQ FT

MAX. BUILDING HEIGHT: BUILDING 100: 73'
BUILDING 200: 63'
BUILDINGS 300 & 400: 53'
(MEASURED FROM FINISHED FLOOR OF LOWEST LEVEL TO CEILING OF HEIGHEST FLOOR)

MAX. NUMBER OF STORIES: BUILDING 100 – 5 STORY W/ BASEMENT
BUILDING 200 – 5 STORY
BUILDING 300 – 4 STORY W/ BASEMENT
BUILDING 400 – 4 STORY W/ BASEMENT

FOOTPRINT: 89,255 S.F.
GROSS FLOOR AREA: 415,458 S.F.
OPEN SPACE CALCULATIONS:
REQUIRED:
(5% x ENTIRE SITE) = 30,537 S.F. (0.70 AC.)
PROVIDED: 58,576 S.F (1.34± AC.) (9±%)

PROJECT #: 114058
DRAWN BY: TC
CHECKED BY: DF

NILES BOLTON ASSOCIATES

1060 Peachtree Rd. N.W.
Suite 600
Atlanta, GA 30305

T 404 383 7600
F 404 383 7610

www.nilesbolton.com

ISSUE DATE DESCRIPTION

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Biltmore
APARTMENTS

Asheville
North Carolina

Flournoy COMPANIES

SHEET TITLE
BUILDING 200
ELEVATIONS

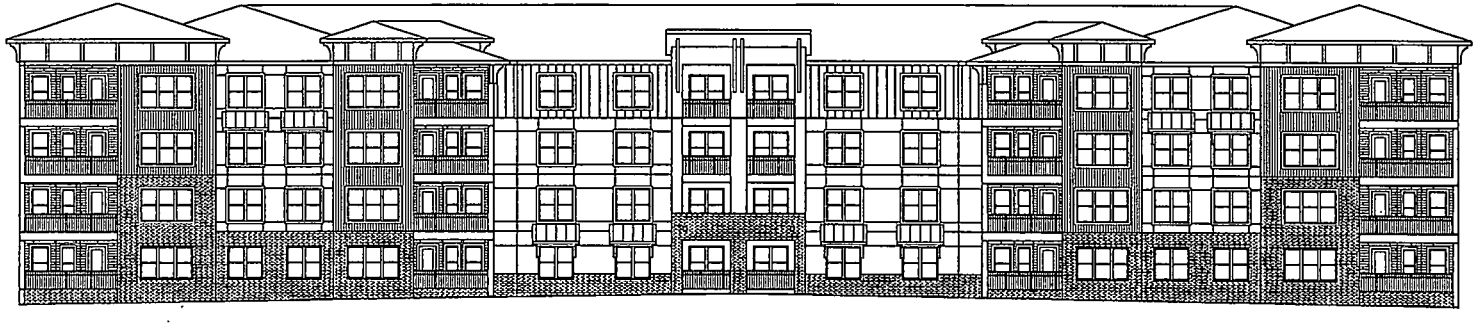
SHEET NUMBER:
A3.12

DATE: 10/01/2014

RELEASED FOR CONSTRUCTION

Z:\ARCH\14\114058\04_elevations\Elevation Presentation 2014_1031.dwg Plotted: Nov 03, 2014 - 2:00pm by fosc

elevation 2 / A3.13 — WEST
BLDG 300 ELEVATION



elevation 1 / A3.13 — EAST
BLDG 300 ELEVATION

DEVELOPMENT BLOCK:

NAME OF PROJECT: FLOURNOY – BILTMORE APARTMENTS

PROJECT ADDRESS: FAIRVIEW RD
ASHEVILLE, NC

PROPERTY OWNER: DABHILL LLC
P.O. BOX 1870
CHARLESTON, SC 29402
(307) 413-6813

CONTACT PERSON: RYAN M. FOSTER
FLOURNOY DEVELOPMENT CO.
900 BROOKSTONE CENTRE PKWY.
P.O. BOX 6568
COLUMBUS, GA 31917-6568
(706) 243-9403

PIN #: 9648-80-8406
9647-89-8924

TOTAL ACREAGE: 14.02 ± ACRES

EXISTING ZONING: UV – URBAN VILLAGE (COA)
PROPOSED ZONING: UP(CZ) – URBAN PLACE (COA)
(CONDITIONAL ZONING)

BUILDING SETBACKS:
0-15' FRONT
0' SIDE
0' REAR

VEHICLE PARKING SPACES:
REQUIRED (HOUSING): 341 MIN. / 681 MAX.
(277 1/2 BEDROOM UNITS & 32 3 BEDROOM UNITS)
REQUIRED (RETAIL): 28 (1 PER 350 SF)
REQUIRED (LIVE/WORK): 15 (1 PER 350 SF)
PROVIDED: 678 (12 HC)

BICYCLE PARKING SPACES:
REQUIRED: 29 (5% OF PARKING)
PROVIDED: 30 (SEE LANDSCAPE PLAN)

RESIDENTIAL DENSITY:
ALLOWED: 64 UNITS/AC.
PROPOSED: 21.04 UNITS/AC.
309 TOTAL PROPOSED UNITS)
304 APARTMENT UNITS
5 LIVE/WORK UNITS

RETAIL DENSITY: 8,742 SQ.FT
LIVE/WORK DENSITY: 5,000 SQ.FT

MAX. BUILDING HEIGHT: BUILDING 100: 73'
BUILDING 200: 63'
BUILDINGS 300 & 400: 53'
(MEASURED FROM FINISHED FLOOR OF LOWEST LEVEL TO CEILING OF HEIGHEST FLOOR)

MAX. NUMBER OF STORIES: BUILDING 100 – 5 STORY W/ BASEMENT
BUILDING 200 – 5 STORY
BUILDING 300 – 4 STORY W/ BASEMENT
BUILDING 400 – 4 STORY W/ BASEMENT

FOOTPRINT: 69,288 S.F.
GROSS FLOOR AREA: 415,458 S.F.
OPEN SPACE CALCULATIONS:
REQUIRED:
(5% x ENTIRE SITE) = 30,637 S.F. (0.70 AC.)
PROVIDED: 58,578 S.F (1.34± AC.) (9±%)

PROJECT #: 114058
DRAWN BY: TC
CHECKED BY: DF

NILES BOLTON ASSOCIATES

3060 Peachtree Rd. N.W.
Suite 600
Atlanta, GA 30305

T 404 365 7600
F 404 365 7610

www.nilesbolton.com

ISSUE DATE DESCRIPTION

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Biltmore
APARTMENTS

Asheville
North Carolina

Flournoy COMPANIES

SHEET TITLE:
BUILDING 300
ELEVATIONS

SHEET NUMBER:
A3.13

DATE: 10/01/2014

NOT RELEASED FOR CONSTRUCTION

DEVELOPMENT BLOCK:

NAME OF PROJECT: FLOURNOY – BILTMORE APARTMENTS

PROJECT ADDRESS: FAIRVIEW RD
ASHEVILLE, NC

PROPERTY OWNER: DABHILL LLC
P.O. BOX 1570
CHARLESTON, SC 29402
(307) 413-8813

CONTACT PERSON: RYAN W. FOSTER
FLOURNOY DEVELOPMENT CO.
900 ENGLISH ST. CLINE PKWY.
P.O. BOX 5568
COLUMBUS, GA 31917-5568
(706) 243-9403

PIN #: 9648-80-8408
9647-89-8924

TOTAL ACREAGE: 14.02 ± ACRES

EXISTING ZONING: UV – URBAN VILLAGE (COA)
PROPOSED ZONING: UP(CZ) – URBAN PLACE (COA)
(CONDITIONAL ZONING)

BUILDING SETBACKS:
0-15' FRONT
0' SIDE
0' REAR

VEHICLE PARKING SPACES:
REQUIRED (HOUSING): 341 MIN. / 651 MAX.
(277 1/2 BEDROOM UNITS & 32 3 BEDROOM UNITS)
REQUIRED (RETAIL): 28 (1 PER 350 SF)
REQUIRED (LIVE/WORK): 15 (1 PER 350 SF)
PROVIDED: 678 (12 HC)

BICYCLE PARKING SPACES:
REQUIRED: 29 (5% OF PARKING)
PROVIDED: 30 (SEE LANDSCAPE PLAN)

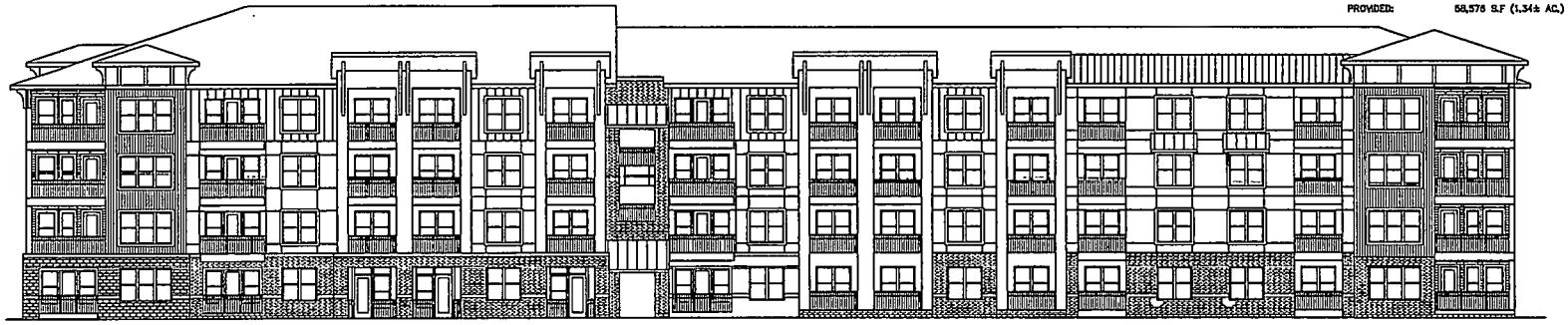
RESIDENTIAL DENSITY:
ALLOWED: 64 UNITS/AC.
PROPOSED: 21.04 UNITS/AC.
309 TOTAL PROPOSED UNITS:
304 APARTMENT UNITS
5 LIVE/WORK UNITS

RETAIL DENSITY: 9,742 SQ.FT
LIVE/WORK DENSITY: 6,000 SQ.FT

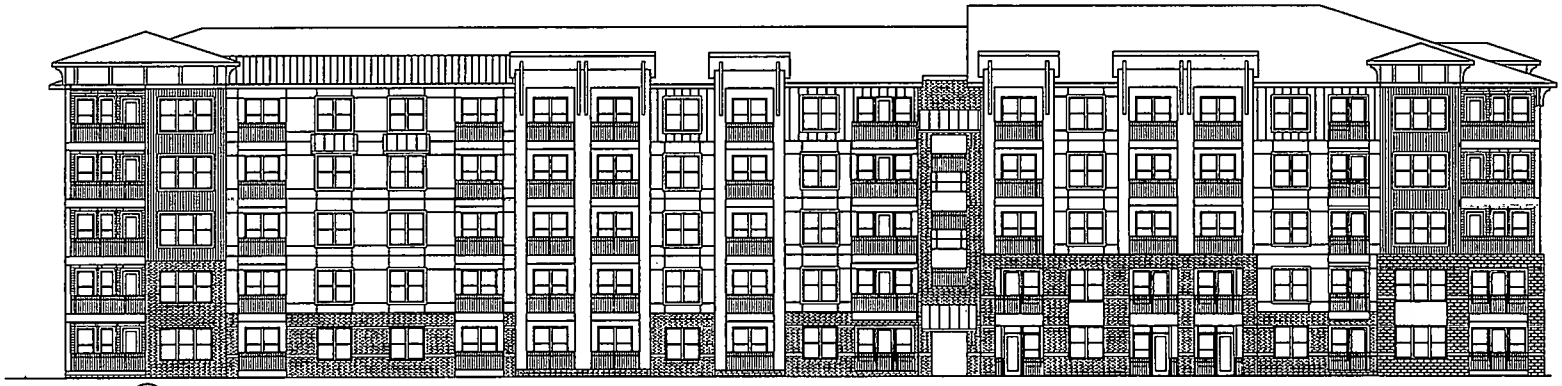
MAX. BUILDING HEIGHT: BUILDING 100: 73'
BUILDING 200: 63'
BUILDINGS 300 & 400: 63'
(MEASURED FROM FINISHED FLOOR OF LOWEST LEVEL TO CEILING OF HEIGHEST FLOOR)

MAX. NUMBER OF STORIES: BUILDING 100 – 5 STORY W/ BASEMENT
BUILDING 200 – 3 STORY
BUILDING 300 – 4 STORY W/ BASEMENT
BUILDING 400 – 4 STORY W/ BASEMENT

FOOTPRINT: 89,288 S.F.
GROSS FLOOR AREA: 418,458 S.F.
OPEN SPACE CALCULATIONS:
REQUIRED:
(5% x ENTIRE SITE) = 30,537 S.F. (0.70 AC.)
PROVIDED: 58,576 S.F (1.34± AC.) (9±%)



elevation 2 / A3.14 — 3/32"-1'-0" — EAST
BLDG 400 ELEVATION



elevation 1 / A3.14 — 3/32"-1'-0" — WEST
BLDG 400 ELEVATION

PROJECT #: 114058
DRAWN BY: TC
CHECKED BY: DF

NILES BOLTON ASSOCIATES

3060 Peachtree Rd. N.W.
Suite 600
Atlanta, GA 30305

T 404 365 7600
F 404 365 7610

www.nilesbolton.com

ISSUE DATE DESCRIPTION

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Biltmore
APARTMENTS

Asheville
North Carolina

Flournoy COMPANIES

SHEET TITLE:
BUILDING 400
ELEVATIONS

SHEET NUMBER:
A3.14

RELEASED FOR CONSTRUCTION

DATE: 10/01/2014

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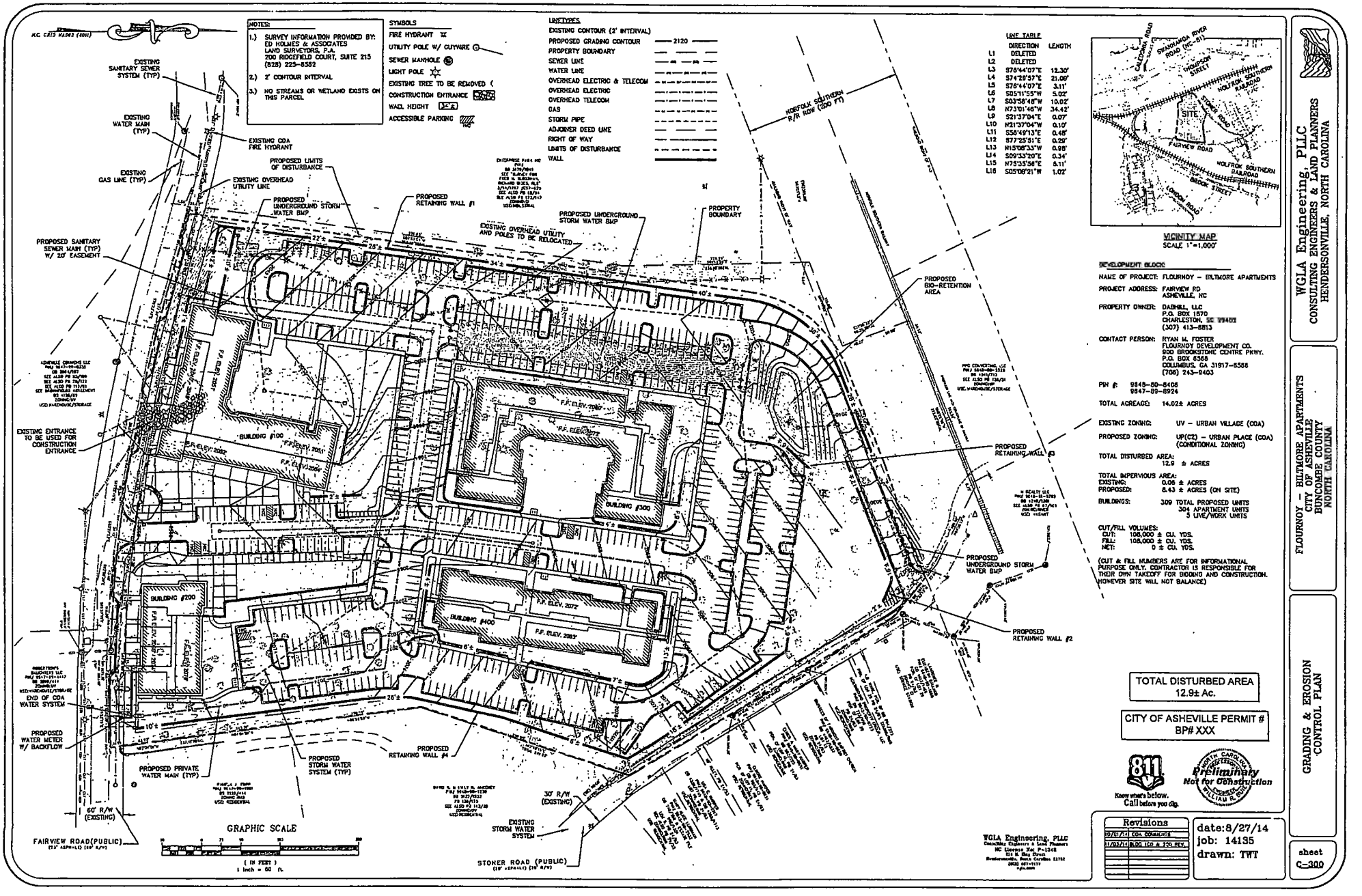
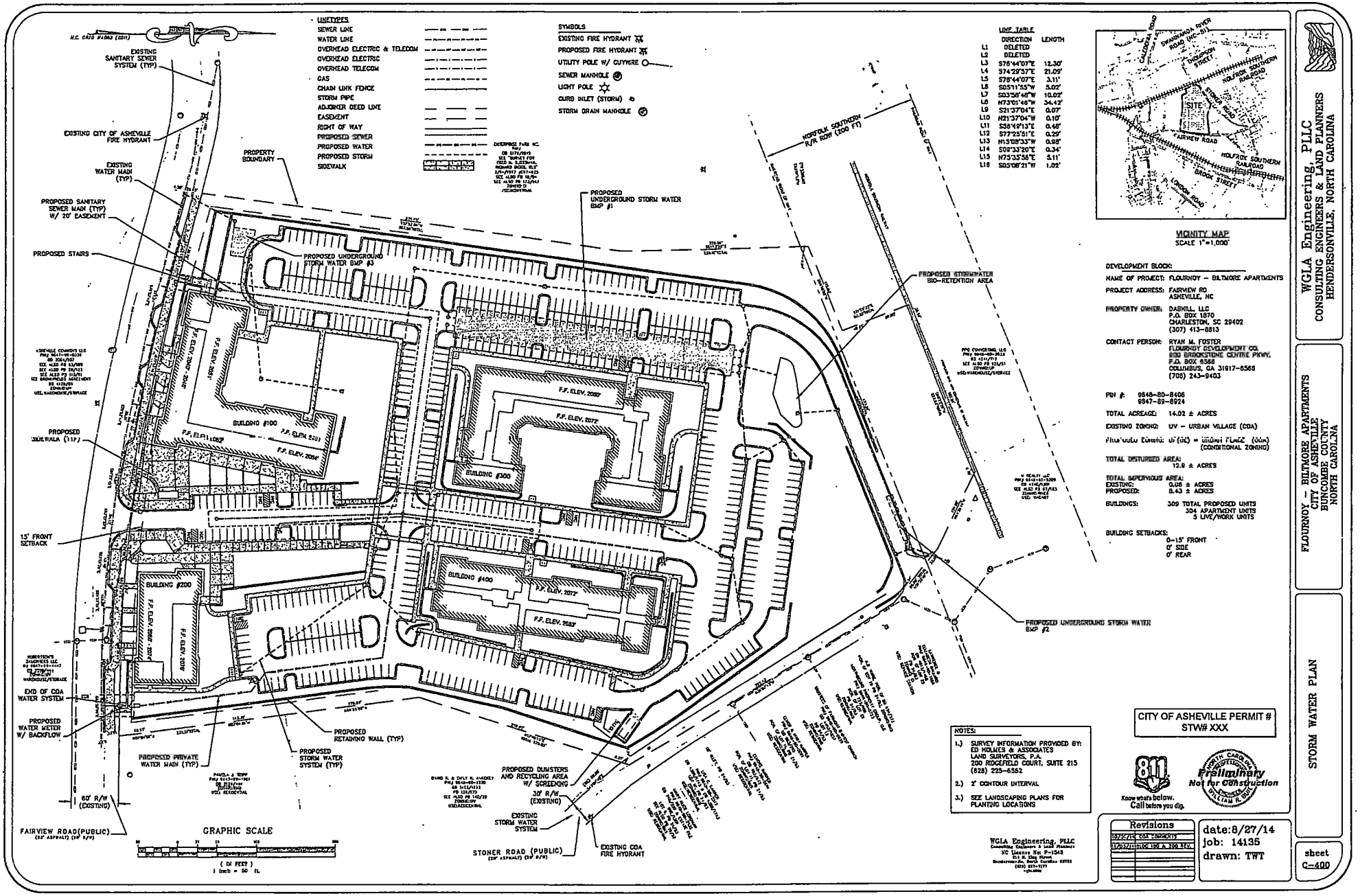
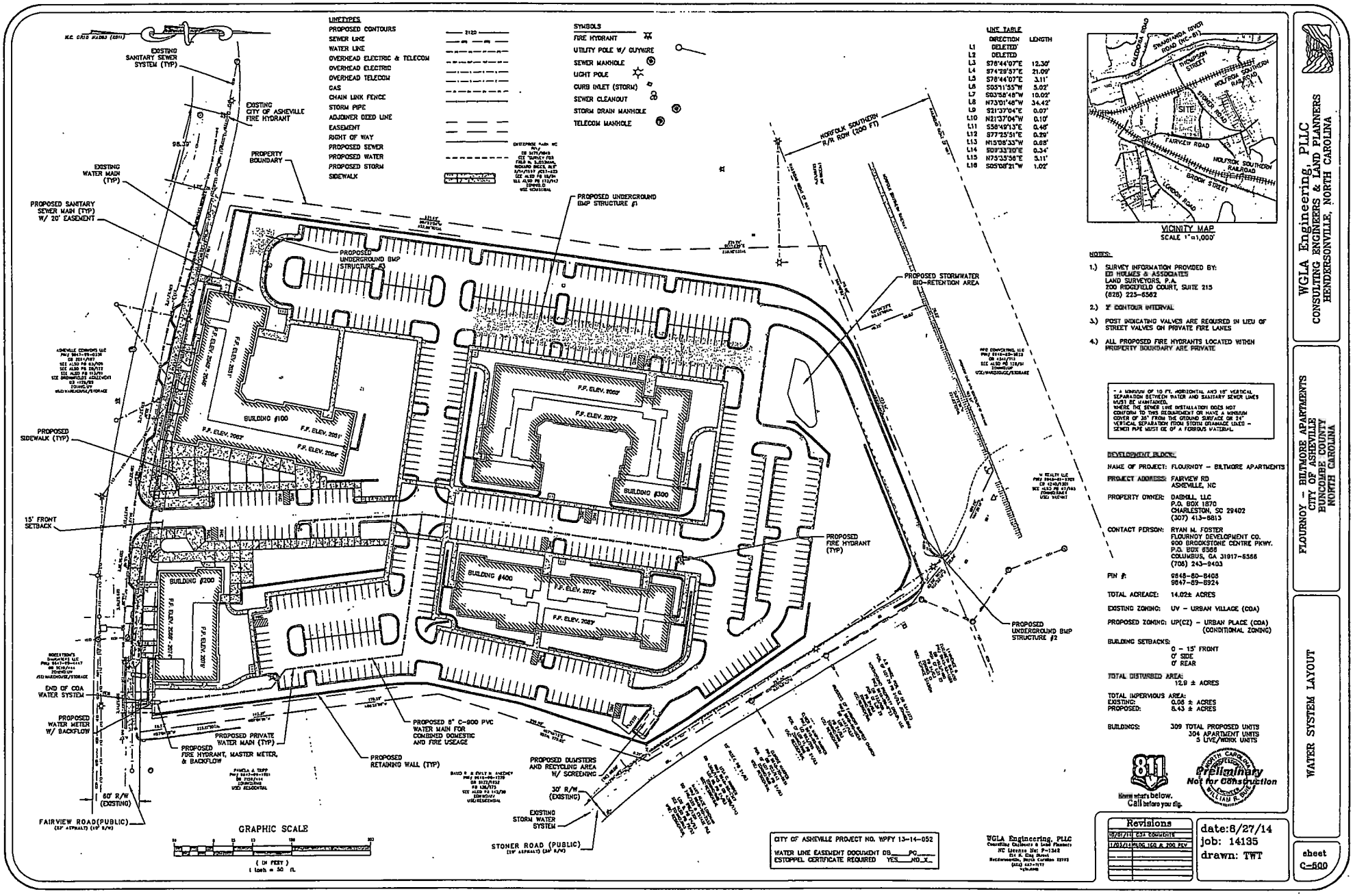
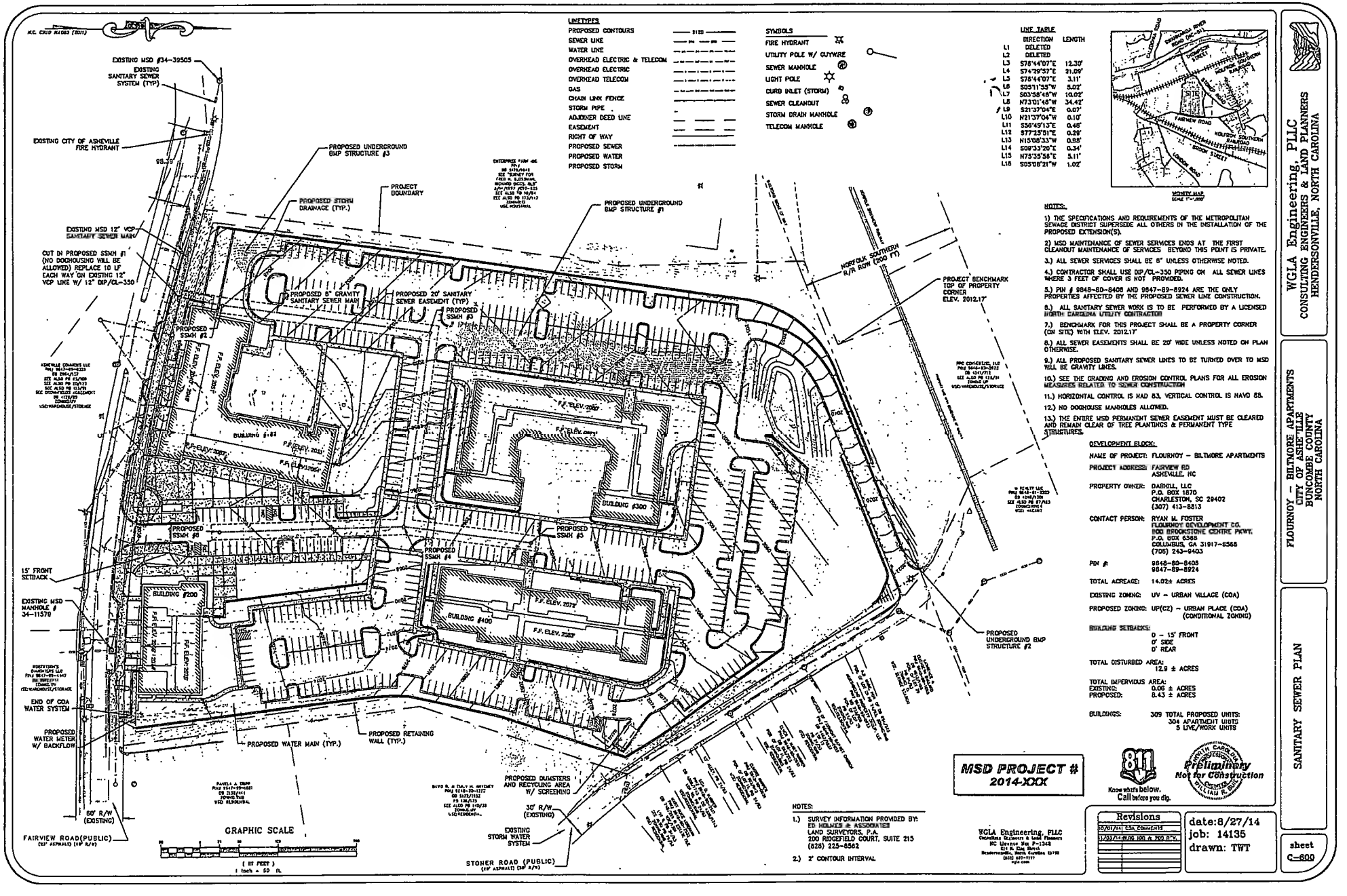

NOTES:
1.) SURVEY INFORMATION PROVIDED BY: ED HOLMES & ASSOCIATES LAND SURVEYORS, P.A. 200 RIDGEFIELD COURT, SUITE 215 (828) 225-8382
2.) 2' CONTOUR INTERVAL
3.) NO STREAMS OR WETLAND EXISTS ON THIS PARCEL
SYMBOLS
FIRE HYDRANT
UTILITY POLE W/ GUYWIRE
SEWER MANHOLE
LIGHT POLE
EXISTING TREE TO BE REMOVED
CONSTRUCTION ENTRANCE
WALL HEIGHT
ACCESSIBLE PARKING
LINETYPES
EXISTING CONTOUR (2' INTERVAL)
PROPOSED GRADING CONTOUR 2120
PROPERTY BOUNDARY
SEWER LINE
WATER LINE
OVERHEAD ELECTRIC & TELECOM
OVERHEAD ELECTRIC
OVERHEAD TELECOM
GAS
STORM PIPE
ADJOINER DEED LINE
RIGHT OF WAY
LIMITS OF DISTURBANCE
WALL
LINE TABLE
DIRECTION LENGTH
L1 DELETED
L2 DELETED
L3 S78°44'07"E 12.30'
L4 S74°28'57"E 21.09'
L5 S78°44'07"E 3.11'
L6 S05°11'55"W 5.02'
L7 S03°58'46"W 10.02'
L8 N73°01'46"W 34.42'
L9 S21°37'04"E 0.07'
L10 N21°37'04"W 0.10'
L11 S56°49'13"E 0.46'
L12 S77°25'51"E 0.32'
L13 N15°08'33"W 0.98'
L14 S09°33'20"E 0.34'
L15 N75°35'56"E 5.11'
L16 S05°08'21"W 1.02'
EXISTING SANITARY SEWER SYSTEM (TYP)
EXISTING WATER MAIN (TYP)
EXISTING CDA FIRE HYDRANT
EXISTING GAS LINE (TYP)
EXISTING OVERHEAD UTILITY LINE
PROPOSED LIMITS OF DISTURBANCE
PROPOSED UNDERGROUND STORM WATER BMP
PROPOSED RETAINING WALL #1
PROPOSED SANITARY SEWER MAIN (TYP) W/ 20' EASEMENT
EXISTING OVERHEAD UTILITY AND POLES TO BE RELOCATED
PROPOSED UNDERGROUND STORM WATER BMP
PROPERTY BOUNDARY
NORFOLK SOUTHERN R/R ROW (200 FT)
PROPOSED BIO-RETENTION AREA
EXISTING ENTRANCE TO BE USED FOR CONSTRUCTION ENTRANCE
BUILDING #100
BUILDING #200
BUILDING #300
BUILDING #400
F.F. ELEV. 2065'
F.F. ELEV. 2072'
F.F. ELEV. 2083'
PROPOSED RETAINING WALL #3
PROPOSED UNDERGROUND STORM WATER BMP
PROPOSED RETAINING WALL #2
END OF CDA WATER SYSTEM
PROPOSED WATER METER W/ BACKFLOW
PROPOSED PRIVATE WATER MAIN (TYP)
PROPOSED STORM WATER SYSTEM (TYP)
PROPOSED RETAINING WALL #4
60' R/W (EXISTING)
FAIRVIEW ROAD(PUBLIC)
30' R/W (EXISTING)
EXISTING STORM WATER SYSTEM
STONER ROAD (PUBLIC)
GRAPHIC SCALE
(IN FEET)
1 inch = 60 ft.
VICINITY MAP
SCALE 1"=1,000'
SITE
FAIRVIEW ROAD
STONER ROAD
HOMINY CREEK
BROOK STREET
WOLFPEN ROAD
WOLFPEN SOUTHERN RAILROAD
HENDERSONVILLE ROAD
SWANNANOA RIVER ROAD (NC-81)
HOBSON STREET
DEVELOPMENT BLOCK:
NAME OF PROJECT: FLOURNOY - BILTMORE APARTMENTS
PROJECT ADDRESS: FAIRVIEW RD ASHEVILLE, NC
PROPERTY OWNER: DABHILL, LLC P.O. BOX 1870 CHARLESTON, SC 29402 (307) 413-8813
CONTACT PERSON: RYAN M. FOSTER FLOURNOY DEVELOPMENT CO. 900 BROOKSTONE CENTRE PKWY. P.O. BOX 6368 COLUMBUS, GA 31917-6368 (706) 243-9403
PIN #: 9848-50-8408 9847-89-8924
TOTAL ACREAGE: 14.02± ACRES
EXISTING ZONING: UV - URBAN VILLAGE (COA)
PROPOSED ZONING: UP(CZ) - URBAN PLACE (COA) (CONDITIONAL ZONING)
TOTAL DISTURBED AREA: 12.9 ± ACRES
TOTAL IMPERVIOUS AREA:
EXISTING: 0.06 ± ACRES
PROPOSED: 8.43 ± ACRES (ON SITE)
BUILDINGS: 309 TOTAL PROPOSED UNITS
304 APARTMENT UNITS
5 LIVE/WORK UNITS
CUT/FILL VOLUMES:
CUT: 108,000 ± CU. YDS.
FILL: 108,000 ± CU. YDS.
NET: 0 ± CU. YDS.
(CUT & FILL NUMBERS ARE FOR INFORMATIONAL PURPOSE ONLY. CONTRACTOR IS RESPONSIBLE FOR THEIR OWN TAKEOFF FOR BIDDING AND CONSTRUCTION. HOWEVER SITE WILL NOT BALANCE)
TOTAL DISTURBED AREA 12.9± Ac.
CITY OF ASHEVILLE PERMIT # BP# XXX
811 Know what's below. Call before you dig.
Preliminary Not for Construction
WGLA Engineering, PLLC
Consulting Engineers & Land Planners
NC License No. P-1341
111 N. Main Street
Hendersonville, North Carolina 28792
(828) 697-7177
Revisions
10/01/14 COA COMMENTS
11/03/14 BLDG ICG & FDG REV.
date: 8/27/14
job: 14135
drawn: TWT
sheet C-300
WGLA Engineering, PLLC
CONSULTING ENGINEERS & LAND PLANNERS
HENDERSONVILLE, NORTH CAROLINA
FLOURNOY - BILTMORE APARTMENTS
CITY OF ASHEVILLE
BUNCOMBE COUNTY
NORTH CAROLINA
GRADING & EROSION CONTROL PLAN


LINETYPES
SEWER LINE
WATER LINE
OVERHEAD ELECTRIC & TELECOM
OVERHEAD ELECTRIC
OVERHEAD TELECOM
GAS
CHAIN LINK FENCE
STORM PIPE
ADJOINER DEED LINE
EASEMENT
RIGHT OF WAY
PROPOSED SEWER
PROPOSED WATER
PROPOSED STORM
SIDEWALK
SYMBOLS
EXISTING FIRE HYDRANT
PROPOSED FIRE HYDRANT
UTILITY POLE W/ GUYWIRE
SEWER MANHOLE
LIGHT POLE
CURB INLET (STORM)
STORM DRAIN MANHOLE
LINE TABLE
DIRECTION
LENGTH
L1 DELETED
L2 DELETED
L3 S76°44'07"E 12.30'
L4 S74°29'57"E 21.09'
L5 S76°44'07"E 3.11'
L6 S05°11'55"W 5.02'
L7 S03°58'48"W 10.02'
L8 N73°01'46"W 34.42'
L9 S21°37'04"E 0.07'
L10 N21°37'04"W 0.10'
L11 S58°49'13"E 0.48'
L12 S77°25'51"E 0.29'
L13 N15°08'33"W 0.98'
L14 S09°33'20"E 0.34'
L15 N75°35'56"E 3.11'
L16 S05°08'21"W 1.02'
EXISTING SANITARY SEWER SYSTEM (TYP)
EXISTING CITY OF ASHEVILLE FIRE HYDRANT
EXISTING WATER MAIN (TYP)
PROPOSED SANITARY SEWER MAIN (TYP) W/ 20' EASEMENT
PROPOSED STAIRS
PROPOSED SIDEWALK (TYP)
15' FRONT SETBACK
END OF COA WATER SYSTEM
PROPOSED WATER METER W/ BACKFLOW
PROPERTY BOUNDARY
PROPOSED UNDERGROUND STORM WATER BMP #3
PROPOSED UNDERGROUND STORM WATER BMP #1
PROPOSED STORMWATER BIO-RETENTION AREA
PROPOSED UNDERGROUND STORM WATER BMP #2
BUILDING #100
BUILDING #200
BUILDING #300
BUILDING #400
F.F. ELEV. 2080'
F.F. ELEV. 2072'
F.F. ELEV. 2064'
F.F. ELEV. 2077'
F.F. ELEV. 2087'
PROPOSED PRIVATE WATER MAIN (TYP)
PROPOSED RETAINING WALL (TYP)
PROPOSED STORM WATER SYSTEM (TYP)
PROPOSED DUMPSTERS AND RECYCLING AREA W/ SCREENING
30' R/W (EXISTING)
EXISTING STORM WATER SYSTEM
EXISTING COA FIRE HYDRANT
60' R/W (EXISTING)
FAIRVIEW ROAD(PUBLIC)
STONER ROAD (PUBLIC)
NORFOLK SOUTHERN R/R ROW (200 FT)
GRAPHIC SCALE
(IN FEET)
1 inch = 50 ft.
VICINITY MAP
SCALE 1"=1,000'
SITE
SWANNANOA RIVER ROAD (NC-81)
HOLLYCOX SOUTHERN RAILROAD
FAIRVIEW ROAD
STONER ROAD
BROOK STREET
LONDON ROAD
DEVELOPMENT BLOCK:
NAME OF PROJECT: FLOURNOY - BILTMORE APARTMENTS
PROJECT ADDRESS: FAIRVIEW RD
ASHEVILLE, NC
PROPERTY OWNER: DABKILL, LLC
P.O. BOX 1870
CHARLESTON, SC 29402
(307) 413-8813
CONTACT PERSON: RYAN M. FOSTER
FLOURNOY DEVELOPMENT CO.
800 BROOKSTONE CENTRE PKWY.
P.O. BOX 6368
COLUMBUS, GA 31917-6368
(706) 243-9403
PIN #: 9648-80-8406
9647-89-8924
TOTAL ACREAGE: 14.02 ± ACRES
EXISTING ZONING: UV - URBAN VILLAGE (COA)
PROPOSED ZONING: UV (CZ) = URBAN VILLAGE (COA) (CONDITIONAL ZONING)
TOTAL DISTURBED AREA: 12.9 ± ACRES
TOTAL IMPERVIOUS AREA:
EXISTING: 0.08 ± ACRES
PROPOSED: 8.43 ± ACRES
BUILDINGS: 309 TOTAL PROPOSED UNITS
304 APARTMENT UNITS
5 LIVE/WORK UNITS
BUILDING SETBACKS:
0-15' FRONT
0' SIDE
0' REAR
NOTES:
1.) SURVEY INFORMATION PROVIDED BY: ED HOLMES & ASSOCIATES LAND SURVEYORS, P.A. 200 RIDGEFIELD COURT, SUITE 215 (828) 225-6552
2.) 2' CONTOUR INTERVAL
3.) SEE LANDSCAPING PLANS FOR PLANTING LOCATIONS
CITY OF ASHEVILLE PERMIT # STW# XXX
811 Know what's below. Call before you dig.
Preliminary Not for Construction
WILLIAM R. GRAY
WGLA Engineering, PLLC
CONSULTING ENGINEERS & LAND PLANNERS
HENDERSONVILLE, NORTH CAROLINA
FLOURNOY - BILTMORE APARTMENTS
CITY OF ASHEVILLE
BUNCOMBE COUNTY
NORTH CAROLINA
STORM WATER PLAN
Revisions
10/27/14 COA COMMENTS
11/24/14 SLOPE 100 & 200 RTN.
date:8/27/14
job: 14135
drawn: TWT
sheet C-400
WGLA Engineering, PLLC
NC License No. P-1548


LINETYPES
PROPOSED CONTOURS
SEWER LINE
WATER LINE
OVERHEAD ELECTRIC & TELECOM
OVERHEAD ELECTRIC
OVERHEAD TELECOM
GAS
CHAIN LINK FENCE
STORM PIPE
ADJOINER DEED LINE
EASEMENT
RIGHT OF WAY
PROPOSED SEWER
PROPOSED WATER
PROPOSED STORM
SIDEWALK
SYMBOLS
FIRE HYDRANT
UTILITY POLE W/ GUYWIRE
SEWER MANHOLE
LIGHT POLE
CURB INLET (STORM)
SEWER CLEANOUT
STORM DRAIN MANHOLE
TELECOM MANHOLE
LINE TABLE
DIRECTION
LENGTH
L1 DELETED
L2 DELETED
L3 S76°44'07"E 12.30'
L4 S74°29'57"E 21.09'
L5 S76°44'07"E 3.11'
L6 S05°11'53"W 5.02'
L7 S03°58'48"W 10.02'
L8 N73°01'48"W 34.42'
L9 S21°37'04"E 0.07'
L10 N21°37'04"W 0.10'
L11 S58°49'13"E 0.45'
L12 S77°25'51"E 0.29'
L13 N15°08'33"W 0.88'
L14 S09°33'20"E 0.34'
L15 N75°35'56"E 3.11'
L16 S05°08'21"W 1.02'
EXISTING SANITARY SEWER SYSTEM (TYP)
EXISTING CITY OF ASHEVILLE FIRE HYDRANT
PROPERTY BOUNDARY
EXISTING WATER MAIN (TYP)
PROPOSED SANITARY SEWER MAIN (TYP) W/ 20' EASEMENT
PROPOSED UNDERGROUND BMP STRUCTURE #3
PROPOSED UNDERGROUND BMP STRUCTURE #1
NORFOLK SOUTHERN R/R ROW (200 FT)
PROPOSED STORMWATER BIO-RETENTION AREA
PROPOSED SIDEWALK (TYP)
15' FRONT SETBACK
BUILDING #100
BUILDING #200
BUILDING #300
BUILDING #400
F.F. ELEV. 2067
F.F. ELEV. 2072
F.F. ELEV. 2087
PROPOSED FIRE HYDRANT (TYP)
PROPOSED UNDERGROUND BMP STRUCTURE #2
END OF COA WATER SYSTEM
PROPOSED WATER METER W/ BACKFLOW
PROPOSED PRIVATE WATER MAIN (TYP)
PROPOSED FIRE HYDRANT, MASTER METER, & BACKFLOW
PROPOSED 8" C-900 PVC WATER MAIN FOR COMBINED DOMESTIC AND FIRE USEAGE
PROPOSED RETAINING WALL (TYP)
PROPOSED DUMPSTERS AND RECYCLING AREA W/ SCREENING
60' R/W (EXISTING)
30' R/W (EXISTING)
FAIRVIEW ROAD(PUBLIC)
STONER ROAD (PUBLIC)
EXISTING STORM WATER SYSTEM
GRAPHIC SCALE
(IN FEET)
1 inch = 50 ft.
VICINITY MAP
SCALE 1"=1,000'
SITE
SWANNANOA RIVER ROAD (NC-81)
THOMPSON STREET
HOUSTON SOUTHERN RAILROAD
STONER ROAD
FAIRVIEW ROAD
BROOK STREET
LONDON ROAD
NOTES:
1.) SURVEY INFORMATION PROVIDED BY:
ED HOLMES & ASSOCIATES
LAND SURVEYORS, P.A.
200 RIDGEFIELD COURT, SUITE 215
(828) 225-6562
2.) 2' CONTOUR INTERVAL
3.) POST INDICATING VALVES ARE REQUIRED IN LIEU OF STREET VALVES ON PRIVATE FIRE LANES
4.) ALL PROPOSED FIRE HYDRANTS LOCATED WITHIN PROPERTY BOUNDARY ARE PRIVATE
- A MINIMUM OF 10 FT. HORIZONTAL AND 18" VERTICAL SEPARATION BETWEEN WATER AND SANITARY SEWER LINES MUST BE MAINTAINED. WHERE THE SEWER LINE INSTALLATION DOES NOT CONFORM TO THIS REQUIREMENT OR HAVE A MINIMUM COVER OF 24" FROM THE GROUND SURFACE OR 24" VERTICAL SEPARATION FROM STORM DRAINAGE LINES - SEWER PIPE MUST BE OF A FERROUS MATERIAL.
DEVELOPMENT BLOCK:
NAME OF PROJECT: FLOURNOY - BILTMORE APARTMENTS
PROJECT ADDRESS: FAIRVIEW RD ASHEVILLE, NC
PROPERTY OWNER: DASHILL, LLC P.O. BOX 1870 CHARLESTON, SC 29402 (307) 413-8813
CONTACT PERSON: RYAN M. FOSTER FLOURNOY DEVELOPMENT CO. 900 BROOKSTONE CENTRE PKWY. P.O. BOX 6366 COLUMBUS, GA 31917-6366 (706) 243-9403
PIN #: 9648-60-8405 9647-69-8924
TOTAL ACREAGE: 14.02± ACRES
EXISTING ZONING: UV - URBAN VILLAGE (COA)
PROPOSED ZONING: UP(CZ) - URBAN PLACE (COA) (CONDITIONAL ZONING)
BUILDING SETBACKS: 0 - 15' FRONT 0' SIDE 0' REAR
TOTAL DISTURBED AREA: 12.9 ± ACRES
TOTAL IMPERVIOUS AREA: EXISTING: 0.08 ± ACRES PROPOSED: 8.43 ± ACRES
BUILDINGS: 309 TOTAL PROPOSED UNITS 304 APARTMENT UNITS 5 LIVE/WORK UNITS
811 Know what's below. Call before you dig.
Preliminary Not for Construction
CITY OF ASHEVILLE PROJECT NO. WPFY 13-14-052
WATER LINE EASEMENT DOCUMENT DB____PG____
ESTOPPEL CERTIFICATE REQUIRED YES____NO X
WGLA Engineering, PLLC
Consulting Engineers & Land Planners
NC License No: P-1342
814 S. Gas Street
Hendersonville, North Carolina 28792
(828) 697-9787
WGLA Engineering, PLLC
CONSULTING ENGINEERS & LAND PLANNERS
HENDERSONVILLE, NORTH CAROLINA
FLOURNOY - BILTMORE APARTMENTS
CITY OF ASHEVILLE
BUNCOMBE COUNTY
NORTH CAROLINA
WATER SYSTEM LAYOUT
Revisions
10/07/14 CITY COMMENTS
11/03/14 PLOT 16G & 20G REV
date: 8/27/14
job: 14135
drawn: TWT
sheet C-500


EXISTING MSD #34-39505
EXISTING SANITARY SEWER SYSTEM (TYP.)
EXISTING CITY OF ASHEVILLE FIRE HYDRANT
EXISTING MSD 12" VCP SANITARY SEWER MAIN
CUT IN PROPOSED SSMH #1 (NO DOGHOUSING WILL BE ALLOWED) REPLACE 10 LF EACH WAY ON EXISTING 12" VCP LINE W/ 12" DIP/CL-350
PROPOSED UNDERGROUND BMP STRUCTURE #3
PROJECT BOUNDARY
PROPOSED STORM DRAINAGE (TYP.)
PROPOSED UNDERGROUND BMP STRUCTURE #1
PROPOSED 8" GRAVITY SANITARY SEWER MAIN
PROPOSED 20' SANITARY SEWER EASEMENT (TYP.)
PROPOSED SSMH #3
PROPOSED SSMH #2
NORFOLK SOUTHERN R/R ROW (200 FT)
PROJECT BENCHMARK TOP OF PROPERTY CORNER ELEV. 2012.17'
BUILDING #100
BUILDING #300
BUILDING #400
BUILDING #200
PROPOSED SSMH #6
PROPOSED SSMH #5
PROPOSED SSMH #4
15' FRONT SETBACK
EXISTING MSD MANHOLE # 34-11570
END OF COA WATER SYSTEM
PROPOSED WATER METER W/ BACKFLOW
PROPOSED WATER MAIN (TYP.)
PROPOSED RETAINING WALL (TYP.)
PROPOSED UNDERGROUND BMP STRUCTURE #2
PROPOSED DUMPSTERS AND RECYCLING AREA W/ SCREENING
60' R/W (EXISTING)
FAIRVIEW ROAD (PUBLIC)
30' R/W (EXISTING)
EXISTING STORM WATER SYSTEM
STONER ROAD (PUBLIC)
GRAPHIC SCALE
(IN FEET)
1 inch = 50 ft.

LINETYPES

- PROPOSED CONTOURS
- SEWER LINE
- WATER LINE
- OVERHEAD ELECTRIC & TELECOM
- OVERHEAD ELECTRIC
- OVERHEAD TELECOM
- GAS
- CHAIN LINK FENCE
- STORM PIPE
- ADJOINER DEED LINE
- EASEMENT
- RIGHT OF WAY
- PROPOSED SEWER
- PROPOSED WATER
- PROPOSED STORM

SYMBOLS

- FIRE HYDRANT
- UTILITY POLE W/ GUYWIRE
- SEWER MANHOLE
- LIGHT POLE
- CURB INLET (STORM)
- SEWER CLEANOUT
- STORM DRAIN MANHOLE
- TELECOM MANHOLE

LINE TABLE

	DIRECTION	LENGTH
L1	DELETED	
L2	DELETED	
L3	S76°44'07"E	12.30'
L4	S74°29'57"E	21.09'
L5	S76°44'07"E	3.11'
L6	S05°11'55"W	5.02'
L7	S03°38'48"W	10.02'
L8	N73°01'48"W	34.43'
L9	S21°37'04"E	0.07'
L10	N21°37'04"W	0.10'
L11	S56°49'13"E	0.48'
L12	S77°23'51"E	0.29'
L13	N15°08'33"W	0.58'
L14	S09°33'20"E	0.34'
L15	N75°35'58"E	5.11'
L16	S05°08'21"W	1.02'

VICINITY MAP
SCALE 1"=1,000'

NOTES:

1) THE SPECIFICATIONS AND REQUIREMENTS OF THE METROPOLITAN SEWAGE DISTRICT SUPERSEDE ALL OTHERS IN THE INSTALLATION OF THE PROPOSED EXTENSION(S).

2) MSD MAINTENANCE OF SEWER SERVICES ENDS AT THE FIRST CLEANOUT MAINTENANCE OF SERVICES BEYOND THIS POINT IS PRIVATE.

3.) ALL SEWER SERVICES SHALL BE 6" UNLESS OTHERWISE NOTED.

4.) CONTRACTOR SHALL USE DIP/CL-350 PIPING ON ALL SEWER LINES WHERE 3 FEET OF COVER IS NOT PROVIDED.

5.) PIN # 9648-80-8408 AND 9647-89-8924 ARE THE ONLY PROPERTIES AFFECTED BY THE PROPOSED SEWER LINE CONSTRUCTION.

6.) ALL SANITARY SEWER WORK IS TO BE PERFORMED BY A LICENSED NORTH CAROLINA UTILITY CONTRACTOR

7.) BENCHMARK FOR THIS PROJECT SHALL BE A PROPERTY CORNER (ON SITE) WITH ELEV. 2012.17'

8.) ALL SEWER EASEMENTS SHALL BE 20' WIDE UNLESS NOTED ON PLAN OTHERWISE.

9.) ALL PROPOSED SANITARY SEWER LINES TO BE TURNED OVER TO MSD WILL BE GRAVITY LINES.

10.) SEE THE GRADING AND EROSION CONTROL PLANS FOR ALL EROSION MEASURES RELATED TO SEWER CONSTRUCTION

11.) HORIZONTAL CONTROL IS NAD 83, VERTICAL CONTROL IS NAVD 88.

12.) NO DOGHOUSE MANHOLES ALLOWED.

13.) THE ENTIRE MSD PERMANENT SEWER EASEMENT MUST BE CLEARED AND REMAIN CLEAR OF TREE PLANTINGS & PERMANENT TYPE STRUCTURES.

DEVELOPMENT BLOCK:

NAME OF PROJECT: FLOURNOY - BILTMORE APARTMENTS

PROJECT ADDRESS: FAIRVIEW RD
ASHEVILLE, NC

PROPERTY OWNER: DABHILL, LLC
P.O. BOX 1870
CHARLESTON, SC 29402
(307) 413-8813

CONTACT PERSON: RYAN M. FOSTER
FLOURNOY DEVELOPMENT CO.
800 BROOKSTONE CENTRE PKWY.
P.O. BOX 6348
COLUMBUS, GA 31917-6568
(706) 243-9403

PIN #: 9648-80-8408
9647-89-8924

TOTAL ACREAGE: 14.02± ACRES

EXISTING ZONING: UV - URBAN VILLAGE (COA)

PROPOSED ZONING: UP(CZ) - URBAN PLACE (COA) (CONDITIONAL ZONING)

BUILDING SETBACKS:
0' - 15' FRONT
0' SIDE
0' REAR

TOTAL DISTURBED AREA:
12.9 ± ACRES

TOTAL IMPERVIOUS AREA:
EXISTING: 0.06 ± ACRES
PROPOSED: 8.43 ± ACRES

BUILDINGS: 309 TOTAL PROPOSED UNITS:
304 APARTMENT UNITS
5 LIVE/WORK UNITS

NOTES:

1.) SURVEY INFORMATION PROVIDED BY:
ED HOLMES & ASSOCIATES
LAND SURVEYORS, P.A.
200 RIDGEFIELD COURT, SUITE 215
(828) 225-8562

2.) 2' CONTOUR INTERVAL

MSD PROJECT # 2014-XXX

811 Know what's below. Call before you dig.

Preliminary Not for Construction

WGLA Engineering, PLLC
CIVIL ENGINEERS & LAND PLANNERS
NC License No. P-1348
114 N. 32nd Street
Hendersonville, North Carolina 28739
(828) 697-7717
wgla.com

Revisions

10/01/14	COA Comments
11/03/14	MOVE UBI & ADD R/W

date: 8/27/14
job: 14135
drawn: TWT

sheet C-600

FLOURNOY - BILTMORE APARTMENTS
CITY OF ASHEVILLE
BUNCOMBE COUNTY
NORTH CAROLINA

SANITARY SEWER PLAN

354

ORDINANCE NO. 4380

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 10th day of February, 2015.

Magdalen Bowlesson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Technical Budget Amendment re: Housing Trust Fund

Magdalen Bowlesson
City Clerk

City of Asheville

Budget Amendment Details

1. Effective Date: 2/10/2015

2. Fiscal Year: 2014-15

3. Amendment to Operating _x___ and/or Capital Project ___ appropriation.

4. Requesting Department	5. Today's Date	6. Preparer's Name
Comm Dev Division	2/2/2015	

7. Comments/Purpose:	Technical Budget Amendment to appropriate funding for prior year commitments in the Housing Trust Fund that rolled forward to FY 2014-15.

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Appropriated Fund Balance: Encum	$0	$0	$662,992	$662,992
23004100:499101			$0	
			$0	
Expenditures:			$0	
Contingencies	$73,355	$0	$736,347	$662,992
23004100:528013			$0	
			$0	
			$0	

356

ORDINANCE NO. 4381

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED ON BROAD STREET

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City and is determined to be reasonable and in the public interest for the following reasons:

a) The proposed uses on the property are in keeping with other uses in the area and create a good transition between higher intensity uses and lower intensity residential uses; and
b) The proposal supports the goal found in the City's comprehensive plan of pursuing compatible infill development.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

> The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9649.53-7557 and a portion of an unopened right of way off of Broad Street from Residential Multi-Family High Density District (RM-16) to Community Business I Conditional Zoning District (CBICZ). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B-1" and substantially comply with the site plans shown in Exhibit "C", attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 10th day of February, 2015.

Magdalen Bowlson
City Clerk

Esther Manheimer
Mayor

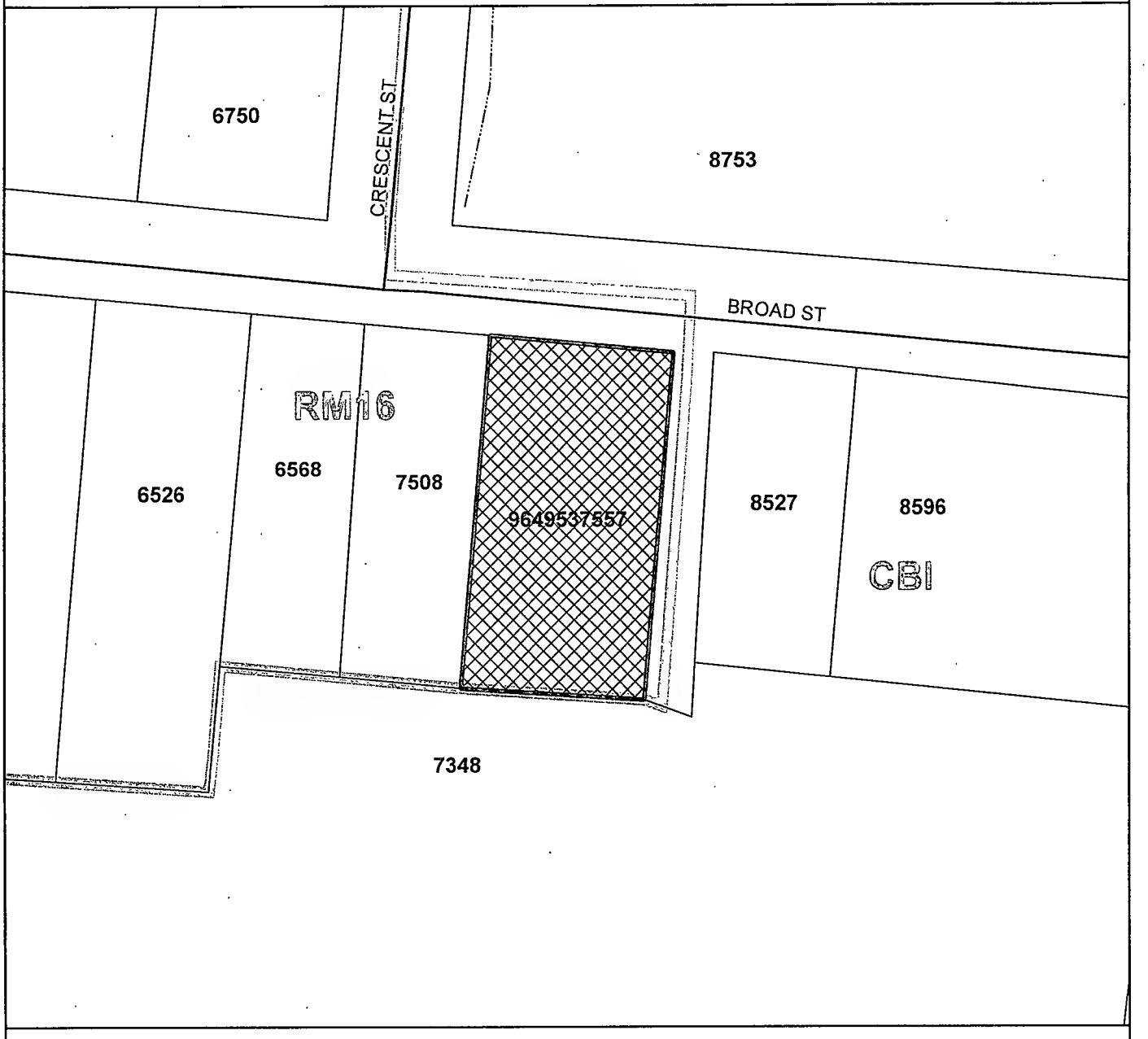
Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

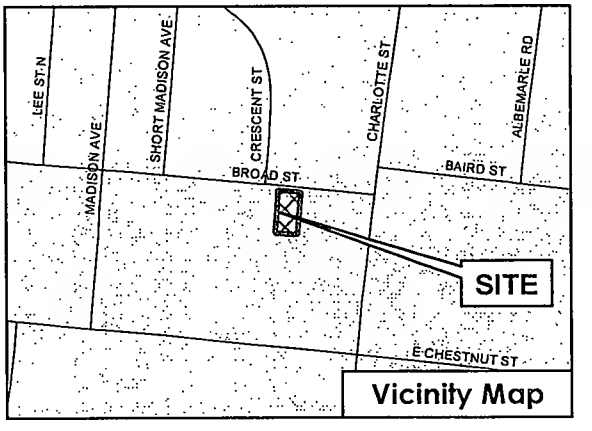
358

City of Asheville - Exhibit A Map
CZ - Broad Street Mixed Use



Project Name:	Mixed Use Building
Project Number:	14-13011PZ
Project Description:	Office space + 3 res. units
Petitioner(s):	Michael Derrig
Parcel ID Number(s):	9649-53-7557
Location/Address:	Broad Street

Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams



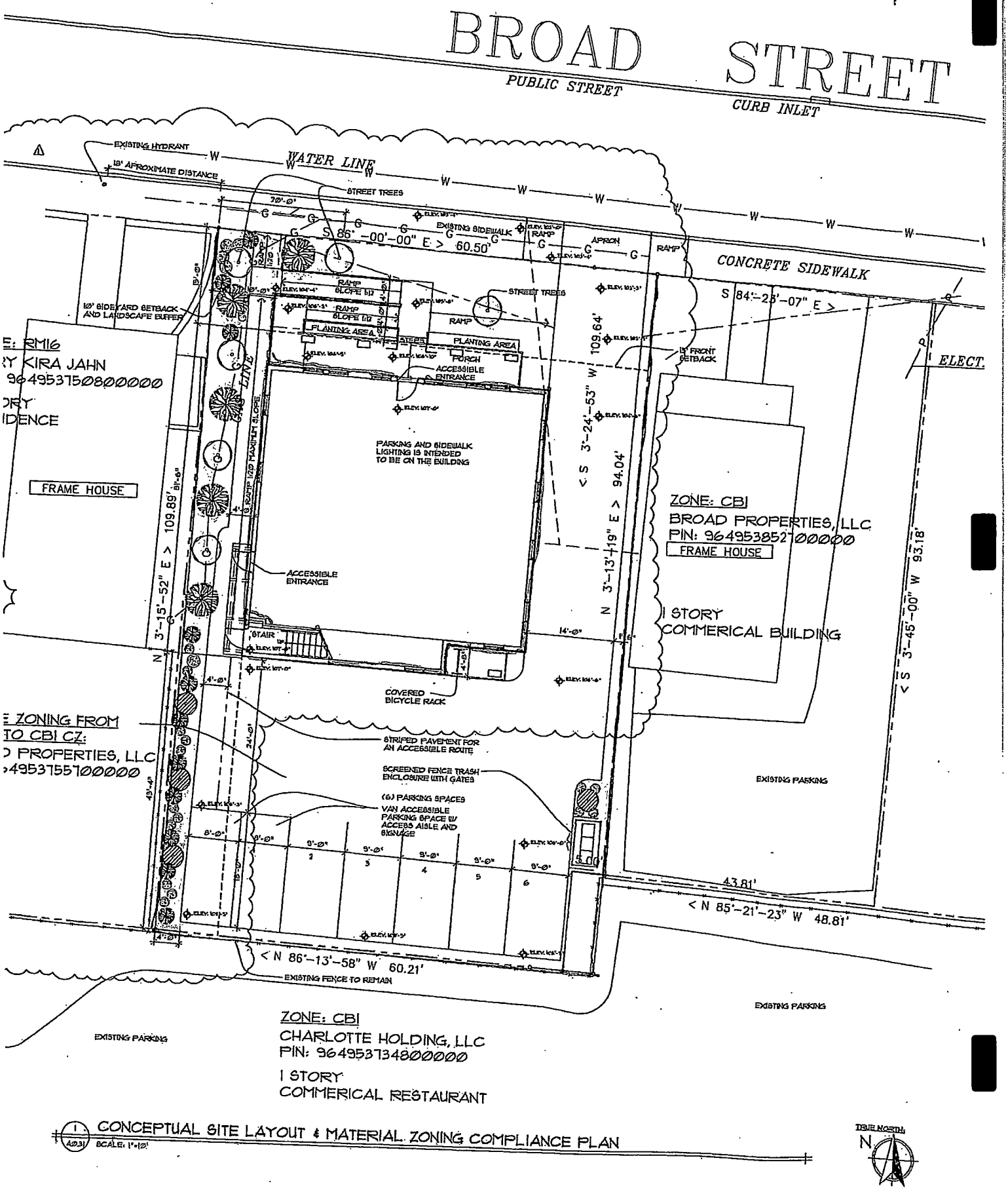
City of Asheville Planning and Development Department - September 2014

DRAFT
EXHIBIT B-1
CONDITIONS

1. Approval is for a mixed use building of "commercial business" space and three dwelling units at 135 Broad Street.
2. Commercial business space will be limited in use to offices and or instructional services.
3. A recombination of property is required to incorporate the closed right of way into the subject parcel.
4. Bufferyard to the west is reduced from the required 20 foot buffer to 10 feet (for 51'6" of the property line) and 4 feet (for the remaining 43'4" of the property line). All required plantings as shown on the site plan shall be installed.
5. Signage is limited to a maximum of ten square feet per sign face and four feet in height.
6. The building design, site design, construction materials, and orientation on site must substantially comply with the site plan attached hereto as Exhibit C and incorporated herein by reference and the final approved site plan that is incorporated into the zoning permit. Any major deviations from these plans may result in reconsideration of the project by the reviewing boards.
7. All required permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.

360

EXHIBIT C pg 1062



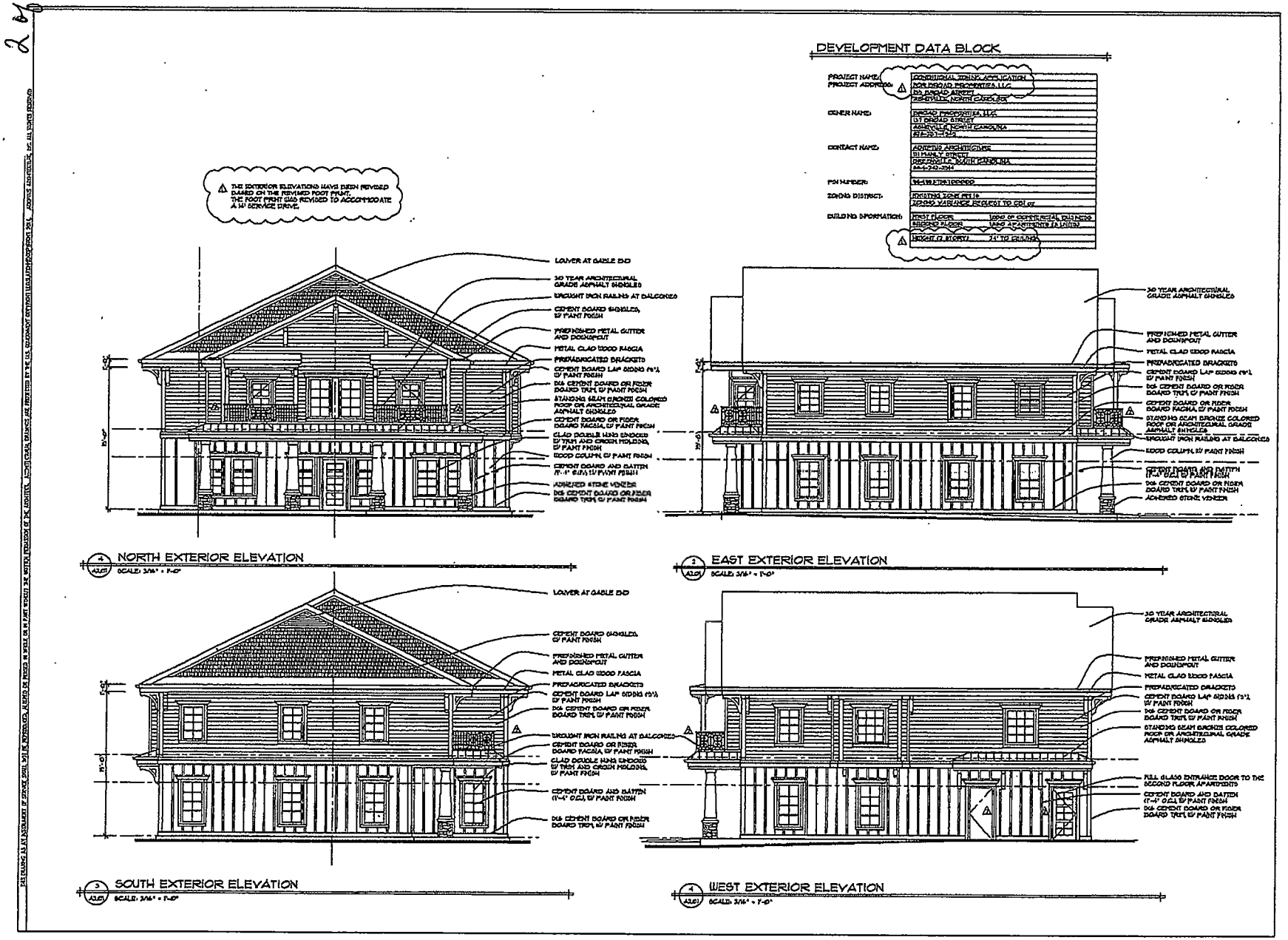
1 A0.3 CONCEPTUAL SITE LAYOUT & MATERIAL ZONING COMPLIANCE PLAN

SCALE: 1"=10'

TRUE NORTH
N

361

EXHIBIT C 2 of 2 pgs


DEVELOPMENT DATA BLOCK
PROJECT NAME: CONDITIONAL ZONING APPLICATION
PROJECT ADDRESS: 139 BROAD STREET ASHEVILLE, NORTH CAROLINA
OWNER NAME: BROAD PROPERTIES, LLC
CONTACT NAME: ADEPTUS ARCHITECTURE
PIN NUMBER:
ZONING DISTRICT: EXISTING ZONE RM-16
ZONING VARIANCE REQUEST TO CDT-UV
BUILDING INFORMATION:
FIRST FLOOR
SECOND FLOOR
HEIGHT (# STORY)
24' TO EAVES
THE EXTERIOR ELEVATIONS HAVE BEEN REVISED BASED ON THE REVISED FOOT PRINT. THE FOOT PRINT WAS REVISED TO ACCOMMODATE A 16' SERVICE DRIVE.
LOUVER AT GABLE END
30 YEAR ARCHITECTURAL GRADE ASPHALT SHINGLES
WROUGHT IRON RAILING AT BALCONIES
CEMENT BOARD SHINGLES, W/ PAINT FINISH
PREFINISHED METAL GUTTER AND DOWNSPOUT
METAL CLAD WOOD FASCIA
PREFABRICATED BRACKETS
CEMENT BOARD LAP SIDING (6"), W/ PAINT FINISH
DUR CEMENT BOARD OR FIBER BOARD TRIM, W/ PAINT FINISH
STANDING SEAM BRONZE COLORED ROOF OR ARCHITECTURAL GRADE ASPHALT SHINGLES
CEMENT BOARD OR FIBER BOARD FASCIA, W/ PAINT FINISH
CLAD DOUBLE HUNG WINDOW W/ TRIM AND CROWN MOLDING, W/ PAINT FINISH
WOOD COLUMN, W/ PAINT FINISH
CEMENT BOARD AND BATTEN (1'-4" O.C.), W/ PAINT FINISH
ADHERED STONE VENEER
DUR CEMENT BOARD OR FIBER BOARD TRIM, W/ PAINT FINISH
4 NORTH EXTERIOR ELEVATION
A2.01 SCALE: 3/16" = 1'-0"
2 EAST EXTERIOR ELEVATION
A2.01 SCALE: 3/16" = 1'-0"
3 SOUTH EXTERIOR ELEVATION
A2.01 SCALE: 3/16" = 1'-0"
4 WEST EXTERIOR ELEVATION
A2.01 SCALE: 3/16" = 1'-0"

THE DRAWINGS AS AN INSTRUMENT OF SERVICE SHALL NOT BE REPRODUCED, ALTERED OR REUSED IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. ALL COPYRIGHTS, SERVICE MARKS, ARE PROTECTED BY THE U.S. COPYRIGHT DEFINITION UNDER TITLE 17 OF THE U.S. COPYRIGHT ACT. ADEPTUS ARCHITECTURE, INC. ALL RIGHTS RESERVED.

ADEPTUS ARCHITECTURE, INC. 111 MANLY STREET GREENVILLE, SC 29601 864-242-3514

CONDITIONAL ZONING APPLICATION FOR BROAD PROPERTIES, LLC

139 BROAD STREET
ASHEVILLE, NC

DRAWN BY:	MJD
CHECKED:	BBA
DATE:	11/07/2014
SCALE:	AS NOTED
JOB NUMBER:	1420
REVISIONS:	
ΔPLAN REVIEW	12-11-14
ΔPLANG COMM.	1-21-15

DESCRIPTION
BUILDING ELEVATIONS

SHEET
A2.01
OF SHEETS

362

ORDINANCE NO. 4382

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 141, 145, AND 149 COURTLAND AVENUE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City and is determined to be reasonable and in the public interest for the following reasons:

a) The proposal supports the goal found in the City's comprehensive plan of promoting compatible adaptive reuse of existing structures.
b) The proposal supports the goal found in the City's comprehensive plan of pursuing compatible infill development.
c) The project proposes a largely single-family subdivision in an area with similar development patterns.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9639.91-5403 and recorded in Deed Book 4150, Page 714 and currently owned by Asheville Buncombe CCM, Inc. from Residential Single-Family High Density District (RS-8) to Residential Multi-Family Medium Density Conditional Zoning District (RM-8CZ). A copy of the official zoning map showing said lot is attached hereto as Exhibit "A" and made a part hereof.
Said rezoning is subject to the conditions set out in Exhibit "B-1" and substantially complies with the site plans shown in Exhibit "C", attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 10th day of February, 2015.

Magdalen Burleson
City Clerk

Esther Manheimer
Mayor

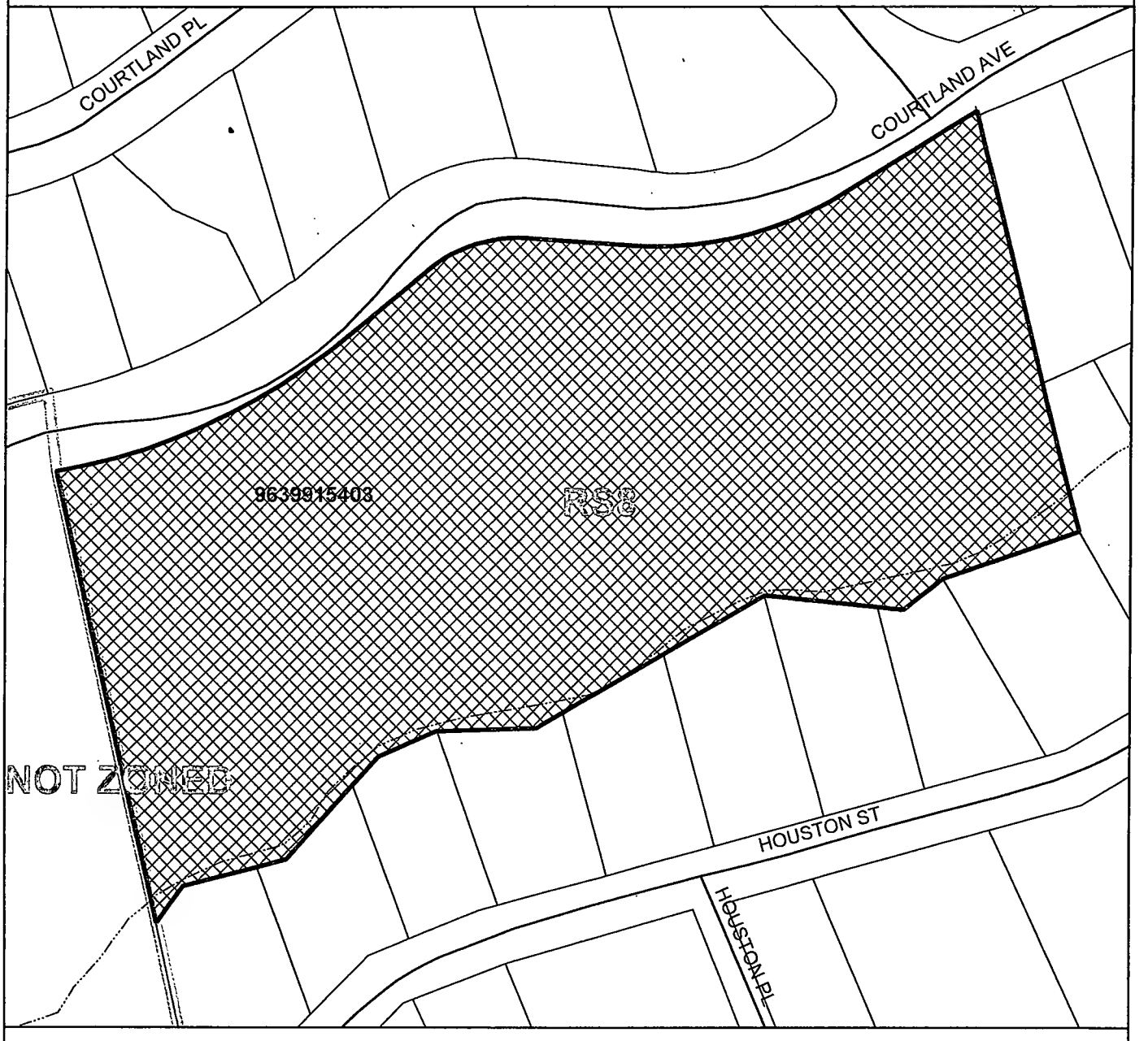
Approved as to form:

City Attorney

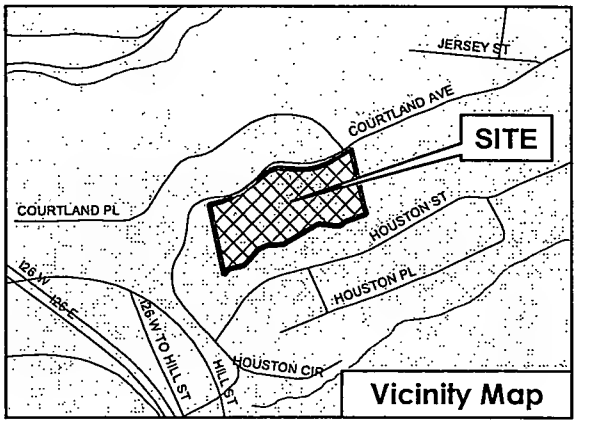
Magdalen Burleson
City Clerk

1364

City of Asheville - Exhibit A Map
CZ with Major Subdivision



Project Name:	Residential Project
Project Number:	14-15907 PZ
Project Description:	multi-family units, single family lots
Petitioner(s):	Lucy Crown
Parcel ID Number(s):	9639-91-5403
Location/Address:	141 Courtland Avenue



Project Site | Parcels | Zoning Districts | Asheville City Limits | Streets | Streams

City of Asheville Planning and Development Department - December 2014

DRAFT
EXHIBIT B-1
CONDITIONS

1. Approval is for conditional zoning to RM-8CZ (Residential Multi-Family Medium Density District) for 10 residential lots. Seven of the residential lots will contain single-family homes. The other three, will contain existing buildings that will be renovated to create two units on two of the lots and three units on the remaining lot.
2. A ten foot easement will be provided to the City along the Courtland Avenue frontage.
3. An open space easement must be provided to allow access to the open space shown on the site plan.
4. The design of all buildings must be approved by the City Planning and Urban Design Department staff and be substantially in keeping with the images presented by the developer as part of the submittal.
5. Bufferyard required to the east and south is waived.
6. Open space is approved as depicted on the site plan. The requirement that no more than 50 percent of the provided open space may exceed 25% slope is waived.
7. Side setback encroachment of three feet for covered porch on existing structure on Lot 6 is approved.
8. For lots 5 and 7 the final plat must show the frontage parallel to the street as a front setback of 15 feet and not a side setback.
9. Any existing vegetation that is to be preserved and claimed for tree credits must be indicated on the site plan that will be reviewed at Final TRC.
10. The building design, site design, construction materials, and orientation on site must substantially comply with the site plan attached hereto as Exhibit C and incorporated herein by reference and the final approved site plan that is incorporated into the zoning permit. Any major deviations from these plans will require reconsideration of the project by the reviewing boards.
11. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.

DEVELOPMENT DATA BLOCK

LOCATION OF PROPERTY: 141 COURTLAND AVE.
PROPERTY OWNER:
ABCDI DID
30 CAROLINA AVE.
ASHEVILLE, NC 28801
828-259-5305
CONTACT PERSON:
JEFF STEWART
88 ASHLAND AVE.
ASHEVILLE, NC 28801
828-337-8837
PIN: 9637915103
ZONING DISTRICT: RS8 PROPOSED CHANGING TO RUSC2.
PARCEL SIZE: 2.03 ACRES
SETBACKS:
FRONT: 15 FT
SIDE: 6 FT
REAR: 15 FT
PARKING REQUIREMENTS:
1 SPACE PER UNIT MIN
LOT 6 – TWO UNITS – 3 BEDROOMS EACH
4 SPACES REQUIRED, 4 SPACES PROVIDED
LOT 8 – TWO UNITS – 3 BEDROOMS EACH
4 SPACES REQUIRED, 4 SPACES PROVIDED
LOT 10 – THREE UNITS – 3 BEDROOMS EACH
3 SPACES REQUIRED, 4 SPACES PROVIDED
PARKING STALLS: (9' X 18' TYP.)
DENSITY CALCULATION:
RUSC 1 DWELLING UNIT PER 5,000 SF OF LOT AREA

LOT	DWELLING UNITS	MIN. SF	PROVIDED SF
1	1	5,000	11,553
2	1	5,000	10,948
3	1	5,000	8,650
4	1	5,000	8,781
5	1	5,000	14,493
6	2	10,000	10,388
7	1	5,000	11,318
8	2	10,000	12,814
9	1	5,000	11,154
10	3	15,000	18,149

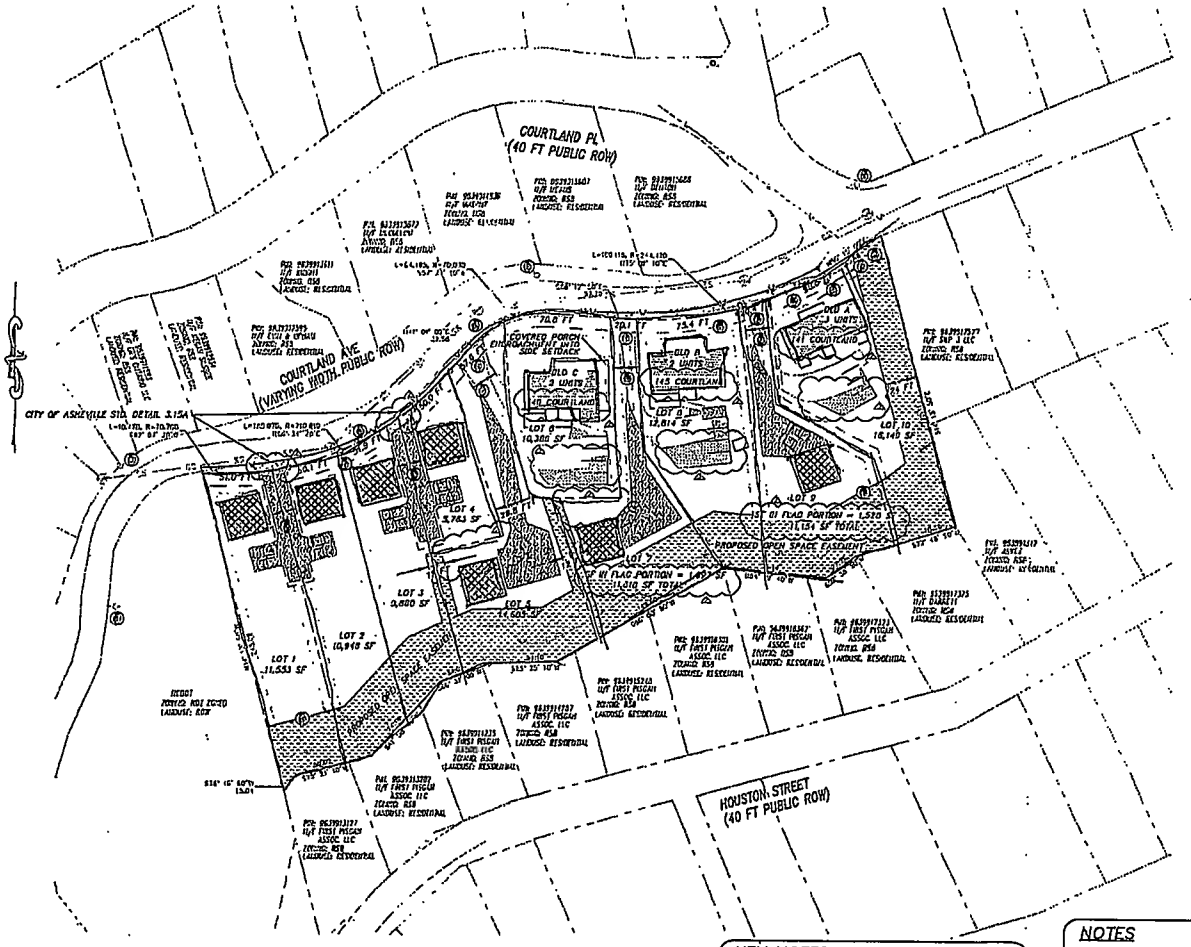
BUILDING DATA:
EXISTING STRUCTURES:

BLD	HEIGHT	STORIES	FOOTPRINT (SF)	GROSS AREA (SF)
A	+/- 29.4 FT	2	1,578	3,056
B	+/- 22.1 FT	2	1,300	2,600
C	+/- 28 FT	2	1,862	3,744

PROPOSED STRUCTURES:
SINGLE FAMILY HOMES LOTS 1–5, 7, 9
HEIGHT: MAX HEIGHT 40 FT
STORIES: 2
FOOTPRINT: 870 SF
GROSS AREA: 1,740 SF
LANDSCAPING CALCULATIONS:
STREET TREES
534 LF / 30 = 18.3 TREES REQUIRED
0 EXISTING TREES TO BE APPLIED TOWARD REQUIREMENT
18 TREES WILL BE PLANTED TO FULFILL REQUIREMENT
OPEN SPACE CALCULATIONS:
114,548 X 0.20 = 22,910 SF REQUIRED
27,001 PROVIDED
AREA IN 12 FT STRIPS FROM LOTS 4 & 6 NOT INCLUDED IN TOTAL PROVIDED SF.

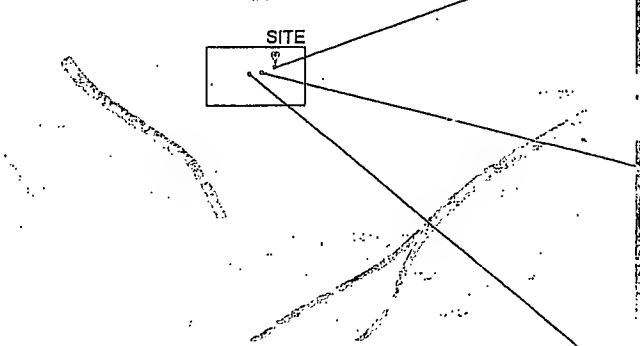
LEGEND

- EXISTING BOUNDARY
- PROPOSED LOT LINE
- SETBACK LINE
- STREAM BUFFER LINE
- EXISTING SS LDH AND MAIN
- EXISTING WATER MAIN
- EXISTING FIRE HYDRANT
- EXISTING SS CLEANOUT
- EXISTING POWER POLE
- PROPOSED WATER MAIN
- PROPOSED FIRE HYDRANT
- TYP. TYPICAL
- PROPOSED SS CLEANOUT
- EXISTING BUILDING FOOTPRINT
- PROPOSED BUILDING FOOTPRINT
- PROPOSED GRAVEL DRIVEWAY
- PROPOSED ASPHALT
- PROPOSED OPEN SPACE EASEMENT AREA


COURTLAND PL
(40 FT PUBLIC ROW)
COURTLAND AVE
(VARYING WIDTH, PUBLIC ROW)
CITY OF ASHEVILLE SIDEWALK EASEMENT, 3.15A
HOUSTON STREET
(40 FT PUBLIC ROW)
BLD A
3 UNITS
141 COURTLAND
BLD B
2 UNITS
143 COURTLAND
BLD C
2 UNITS
41 COURTLAND
COVERED PORCH ENCROACHMENT INTO SIDE SETBACK
LOT 1
11,553 SF
LOT 2
10,948 SF
LOT 3
8,650 SF
LOT 4
8,781 SF
LOT 5
14,493 SF
LOT 6
10,388 SF
LOT 7
11,318 SF
LOT 8
12,814 SF
LOT 9
11,154 SF
LOT 10
18,149 SF
1ST 01 FLAG PORTION = 1,520 SF
11,034 SF TOTAL
2ND 01 FLAG PORTION = 1,487 SF
11,009 SF TOTAL
PROPOSED OPEN SPACE EASEMENT
HOWARD GAP CREEK
STREAM BUFFER
PIN: 9637915103
ZONING: RS8
LANDUSE: RESIDENTIAL
PIN: 9637915227
R/P INV 3 LLC
ZONING: RS8
LANDUSE: RESIDENTIAL
PIN: 9637913377
R/P 141 COURTLAND LLC
ZONING: RS8
LANDUSE: RESIDENTIAL
PIN: 9637913627
R/P DIVISION
ZONING: RS8
LANDUSE: RESIDENTIAL
PIN: 9637913511
R/P BOZMAN
ZONING: RS8
LANDUSE: RESIDENTIAL
PIN: 9637913375
R/P 1001 & 1004 LLC
ZONING: RS8
LANDUSE: RESIDENTIAL
PIN: 9637913227
R/P INV 3 LLC
ZONING: RS8
LANDUSE: RESIDENTIAL
PIN: 9637913119
R/P ASHEVILLE
ZONING: RS8
LANDUSE: RESIDENTIAL
PIN: 9637913295
R/P DIAMETER
ZONING: RS8
LANDUSE: RESIDENTIAL
PIN: 9637913177
R/P FIRST PRESBY ASSOC LLC
ZONING: RS8
LANDUSE: RESIDENTIAL
PIN: 9637913275
R/P FIRST PRESBY ASSOC LLC
ZONING: RS8
LANDUSE: RESIDENTIAL
PIN: 9637913377
R/P FIRST PRESBY ASSOC LLC
ZONING: RS8
LANDUSE: RESIDENTIAL
PIN: 9637913223
R/P FIRST PRESBY ASSOC LLC
ZONING: RS8
LANDUSE: RESIDENTIAL
PIN: 9637913177
R/P FIRST PRESBY ASSOC LLC
ZONING: RS8
LANDUSE: RESIDENTIAL
PIN: 9637913223
R/P FIRST PRESBY ASSOC LLC
ZONING: RS8
LANDUSE: RESIDENTIAL
PIN: 9637913177

SITE FACTS:

-- PIN: 9639915403
-- ZONING: RS8 (current), RMBCZ (proposed)
-- SIZE: 2.63 ACRES



EXISTING BUILDINGS

Building A -
141 COURTLAND AVENUE
2 STORY
+/- 25'-0" - HEIGHT
+/- 3,050 GSF - TOTAL

Building B -
145 COURTLAND AVENUE
2 STORY
+/- 27'-1" - HEIGHT
+/- 3,000 GSF - TOTAL

* HANDICAP ACCESS WILL REMAIN IN BACK OF BUILDING B.

Building C -
149 COURTLAND AVENUE
2 STORY
+/- 28'-0" - HEIGHT
+/- 3,284 GSF - TOTAL

EXAMPLES: SINGLE-FAMILY HOMES

PROJECT OVERVIEW- PHASE 1:

+ IMPROVE PHYSICAL APPEARANCE OF (3) EXISTING BUILDINGS

-- MATERIALS: Reclad the exterior facade using mixture of materials to include fiber cement siding and stone, adding trim details, exposed rafter tail and bracket features, and decorative supports. New siding will be painted in a nature-inspired palette to help blend seamlessly with surrounding neighborhood. Contrasting colors may be used to highlight various structural or architectural features.

-- FRONT PORCH: Reconfigure the front porch to extend the livable spaces of each new unit. Additional columns may be added to enhance the craftsman style.

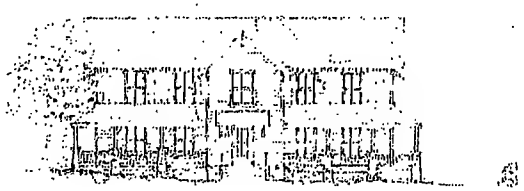
-- MAIN ENTRY: Reconfigure the main entry to be more prominent and inviting with a thoughtful blend of daylight and lighting features.

-- WINDOWS/DOORS: Existing windows and doors will, in general, remain in their existing locations. New trim surround will be installed to represent the craftsman style.

-- ROOF: In general, existing roof will remain. Current slope of roof is approximately 7:12. Dormers may be added. Overhangs may be enhanced with decorative brackets and exposed rafter tails to better define the character of the building.

-- LANDSCAPE: Overall landscape will be improved with the addition of plant material and trees. Existing parking drive and area will remain. Parking availability will be well-defined and enhanced to support the new use of the building(s).

CONCEPT IDEA:



PROJECT OVERVIEW - PHASE 2:

+ ENHANCE THE OVERALL CHARACTER OF THE NEIGHBORHOOD BY ADDING (7) NEW SINGLE-FAMILY HOMES

-- ARTS & CRAFTS: Each new home will continue the theme of this project by maintaining the craftsman design style in an effort to connect well with the surrounding neighborhood and Montford community.

DECEMBER, 2014

PROPERTY OWNERS:
ABCCM, INC.
30 Cumberland Avenue
Asheville, NC 28801

CONTACT PERSON:
JEFF STEWART, REALTOR
80 Ashelahd Avenue
Asheville, NC 28801
(828) 337-0037

RENOVATIONS AND NEW CONSTRUCTION
FOR
COURTLAND AVENUE DIVISION
141 Courtland Avenue
Asheville, NC 28801

EXHIBIT C
page 2
367

368

ORDINANCE NO. 4383

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 24th day of February 2015.

Magdalen Bamlesson
City Clerk

Mayor

PURPOSE: To establish budget for HIDTA 2015

Approved as to form:

City Attorney

Magdalen Bamlesson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2014-15

3. Amendment to Operating ___ and/or Capital Project _X_ appropriation.

Police | | 2/24/2015 |
4. Requesting Department | 5. Today's Date | 6. Department Head Signature

7. Comments/Purpose: To establish budget for HIDTA 2015

8. Organization #	Object Code	Project #	9. Beginning Budget	10. Account Summary Bal	11. New Budget	12. Increase or Decrease By
ESTABLISH PROJECT BUDGET:						
22000121	435000	P1508	0.00	$0.00	$30,980.00	$30,980.00
Restricted Intergov Revenue - Federal Grant						
2200121	528304	P1508	0.00	$0.00	$30,980.00	$30,980.00
Police Special Purposes						

13. Balance of Transaction:

370

ORDINANCE NO. 4384

AN ORDINANCE AMENDING CHAPTER 19, ARTICLE V, DIVISION 1, SECTION 19-144 AND SECTION 19-164 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

Section 1: That Chapter 19, Article V, Division 1, Section 19-144(1) of the Code of Ordinances of the City of Asheville is amended to include:

> Upon such streets, highways or roadways as may have been marked or signed for angle parking **including reverse angle parking**; vehicles shall be parked at the angle of the curb indicated by such marks or signs.

Section 2: That Chapter 19, Article V, Division 1, Section 19-164(b) of the Code of Ordinances of the City of Asheville is amended to include:

> Any vehicle parking in any parking space laid out at an angle to the curb shall be parked with the front of the vehicle facing the curb **except for reverse angle parking where the back of the vehicle would face the curb**. Any vehicle parking in any space laid out parallel with the curb shall be parked facing the same direction of travel as the adjacent travel lane. Such vehicle shall also be parked within the lines marked on the street for such parking spaces, whether at an angle or parallel with the curb.

Section 3: That all ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed.

Section 4: That this ordinance shall be in full force and effect upon adoption by the City of Asheville and the erection of signs and appropriate pavement markings giving notice of reverse angle parking.

Read, approved, and adopted this 24th day of February 2015.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ORDINANCE NO. 4385

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 24th day of February, 2015.

Magdalen Bowlesson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Increase project budget to add additional components to one CNG bus on behalf of Henderson County's Apple Country Transit System.

Magdalen Bowlesson
City Clerk

372

City of Asheville

Budget Amendment Details

1. Effective Date: 2/24/2015

2. Fiscal Year: 2014-15

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

Transportation- Transit (4. Requesting Department) | (5. Today's Date) | (6. Preparer's Name)

7. Comments/Purpose:	Henderson County Replacement Bus- Budget Amendment to increase project budget for additional components, title, tag and graphics			
8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Rstrtd Intrgv - FTA Formula			$0	
65100950:435507:T1502	112,828.00	0.00	115,976.00	3,148.00
Restrictd Intergv County Parti			0.00	
65100950:437000:T1502	30,772.40	0.00	32,624.40	1,852.00
			$0	
			$0	
Expenditures:			$0	
Mach & Equipment			$0	
65100950:614101:T1502	143,600.40	0.00	148,600.40	5,000.00
			$0	
			$0	
			$0	
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13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

ORDINANCE NO. 4386

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this February 24, 2015.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Budget amendment to procure and install energy efficient LED exterior lighting at two transit facilities

Magdalen Bullock
City Clerk

374

City of Asheville
Budget Amendment

1. Effective Date: 2/24/2015
2. Fiscal Year: 2014-15

3. Amendment to Operating ___ and/or Capital Project x appropriation.

Sustainability | | |
4. Requesting Department | 5. Today's Date | 6. Department Head Signature

7. Comments/Purpose: To establish budget for Transit LED revenue and local match

8. Organization #	Object Code	Project #	9. Beginning Budget	10. Account Summary Bal	11. New Budget	12. Increase or Decrease By
ESTABLISH PROJECT BUDGET:						
22000016	435000	G1504	0.00		$8,000.00	$8,000.00
Restricted Intergov Revenue - Federal Grant						
22090016	498100	G1504	0.00		$2,000.00	$2,000.00
Transfer from General Fund						
22000016	521001	G1504	0.00		$10,000.00	$10,000.00
Contracted Services						
					$0.00	
REVISE GENERAL FUND BUDGET FOR LOCAL MATCH TRANSFER TO PROJECT :						
11090016	800220		0.00		$2,000.00	$2,000.00
Transfer to Grant Fund						
11000016	524001		33,000.00		$31,000.00	($2,000.00)
Supplies						

13. Balance of Transaction: $0.00

ORDINANCE NO. 4387

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 24th day of February, 2015.

Magdalen Burleson
CITY CLERK

Edwin C. Marler
MAYOR

Approved as to form:

CITY ATTORNEY

PURPOSE: This Budget Amendment in the amount of $3,525,000 is to move funds from Water Resources Fund Balance to the Bingham Road Water Maintenance Facility capital project in order to fund the purchase and renovation of 200 Bingham Road.

Magdalen Burleson
City Clerk

376

City of Asheville
Budget Amendment

1. Effective Date: 2/24/2015
2. Fiscal Year: 2014-15

3. Amendment to Operating __ and/or Capital Project _X_ appropriation.

4. Requesting Department	5. Today's Date	6. Department Head Signature
Water Resources	2/24/2015	

7. Comments/Purpose: Increase the project budget for the Water Maintenance Relocation project in order to fund the purchase and renovation of 200 Bingham Rd.

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
200 Bingham Maint Facility				
Opr Tr Water				
61190911 - 498601 - W0907	$0.00	$0.00	$3,525,000.00	$3,525,000
Prof Serv				
61100911 - 521002 - W0907	$80,000.00	$0.00	$149,600.00	$69,600
Land				
61100911 - 611101 - W0907	$50,000.00	$50,000.00	$2,855,000.00	$2,805,000
Construction				
61100911 - 616102 - W0907	$579,264.00	$579,264.00	$1,229,664.00	$650,400
Water Fund Balance				
Apr Fd Bal				
61000911 - 499100	$0.00	$0.00	-$3,525,000.00	($3,525,000)
Tr Wtr Cap				
61090911 - 800611	$11,957,762.00	$3,108,638.70	$15,482,762.00	$3,525,000
13. Balance of Transaction:				$7,050,000.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4388

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 24th day of February 2015.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Use of State Drug Seizure Funds to fund Covert Surveillance Audio and Video Equipment, partner with Changing Together.

Magdalen Burleson
City Clerk

378

City of Asheville
Budget Amendment Details

1. Effective Date: 2/24/2015
2. Fiscal Year: 2014-15

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

Police — 4. Requesting Department
2/24/2015 — 5. Today's Date
6. Preparer's Name

7. Comments/Purpose: Budget Amendment for Use of North Carolina State Drug Seizure Funds

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Oth Loc Partic St Seizure Fds			$0	
22000120:437105:P0912	$429,603	$80,298	$450,203	$20,600
			$0	
Expenditures:			$0	
Supplies - Other			$0	
22000120:524001:P0912	$139,448	$1,942	$160,048	$20,600
			$0	
			$0	
			$0	
Revenue:			$0	
			$0	
			$0	
			$0	
Expenditures:			$0	
			$0	
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13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:
By:
Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

ORDINANCE NO. 4389

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this February 24, 2015

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: This Budget Amendment is to increase the General Fund revenue and appropriations budget by $73,000 to allow the Parks and Recreation Department to use funds from the sale of a dump truck to the Street Cut Utility Fund to purchase an excavator.

Magdalen Burleson
City Clerk

380

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2014-15

3. Amendment to Operating _x___ and/or Capital Project ____ appropriation.

Finance	2/24/2015	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: To budget Street Cut Utility purchase of dump truck from Parks & Rec and subsequent purchase of excavator by Parks & Rec

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
General Fund				
Revenue:				
Sale of Capital Assets				
11000017 486000	$100,000.00	$62,236.06	$173,000.00	$73,000.00
Expenditures:				
Mach & Equipment				
11000803 614101	$8,890.00	$0.00	$81,890.00	$73,000.00
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

ORDINANCE NO. -4390-

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 95 CRAGGY AVENUE AND 178 and 180 LOUISIANA AVENUE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City is determined to be reasonable and in the public interest for the following reasons:

a) Infill development is encouraged in areas close to shopping, employment, recreation and near transit corridors;
b) Riparian areas will be protected in the plan as open space which is adjacent to city parkland;
c) The proposed lots are sufficiently sized for single family use;
d) The conditional rezoning request allows flexibility for development standards which are reviewed based on specific site plans and details of the proposal.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9638.16-3844, 3605, 8895, and 6963, , and, recorded in Deed Book 5206, Page 215; Deed Book 5222, Page 894; and Deed Book 5260, Page 54 and currently owned by East West Craggy Estate, LLC. and 180 Holdings LLC. from Residential Single Family High Density (RS-8) to Residential Single Family High Density Conditional Zone (RS-8 CZ). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1", and substantially comply with the site plan as shown on Exhibit "C" attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 24 day of February, 2015.

Magdalen Burleson
City Clerk

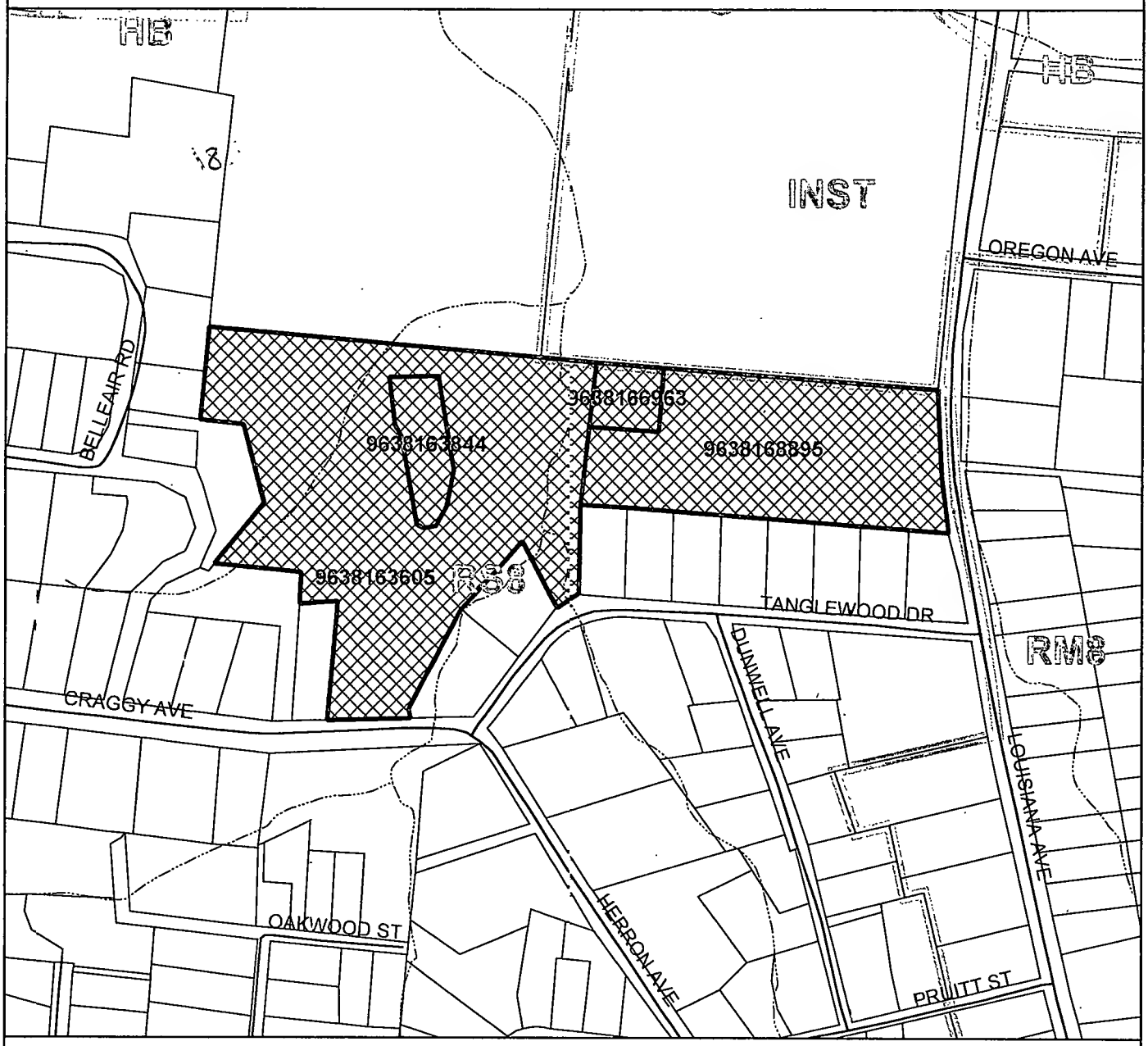
Mayor

Approved as to form:

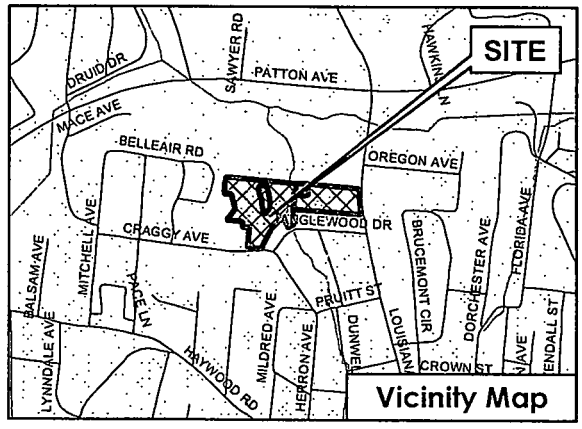
City Attorney

Magdalen Burleson
City Clerk

City of Asheville - Exhibit A Map
CZ - Craggy Park Subdivision



Project Name:	Craggy Park Subdivision
Project Number:	14-11227PZ
Project Description:	45 lots with infrastructure
Petitioner(s):	Gary Davis
Parcel ID Number(s):	9638-16-8895, -6963, -3844, -3605
Location/Address:	95 Craggy Avenue 178 & 180 Louisiana Avenue



Project Site | Parcels | Zoning Districts | Asheville City Limits | Streets | Streams

City of Asheville Planning and Development Department - November 2014

Craggy Park CZ

B.1 Conditions

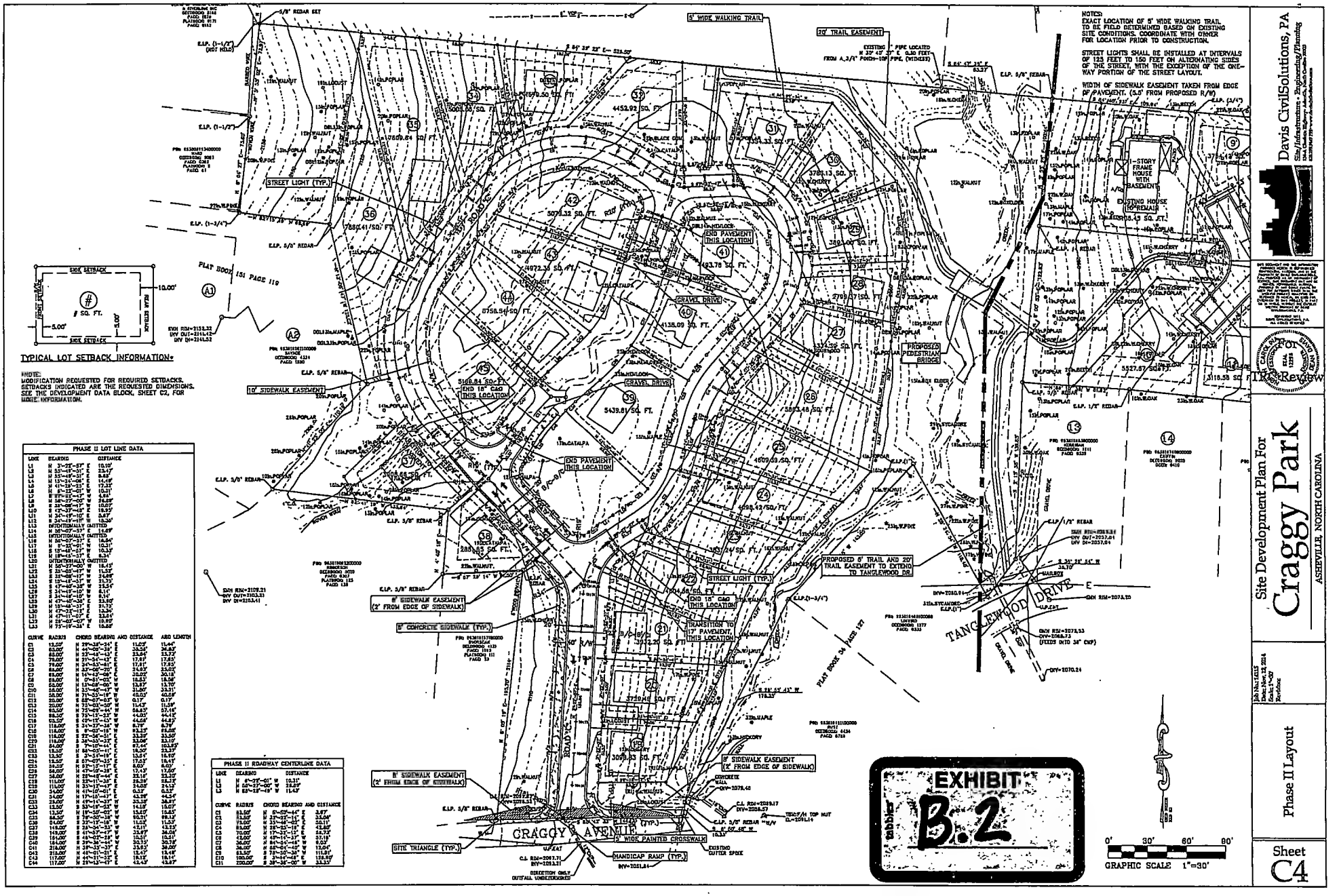
1. The zoning designation will be RS 8 CZ
2. Site plans show 45 residential lots and open space based on the conditional zoning approval. The development will be in substantial compliance with the site plan which is incorporated herein.
3. Tree Save areas will be provided as required by the UDO.
4. Street trees will be provided along street frontages as illustrated in the plan.
5. Open space is designated as shown on plans and totals approximately 1.59 acres.
6. Additional community commons areas are also provided on the plans.
7. Walking paths will be provided in the areas of open space or co0mmunity common areas as show on the plans.
8. Sections of street length without adjacent sidewalks will be provided for by easement 10 feet wide.
9. Of the 45 residential lots, 35 lots are approved on the site plan with sizes ranging from between 2,691 square feet to 4,972 square feet.
10. The development is approved for 5 foot front setbacks, 5 foot side setbacks and 10 foot rear setbacks. A single lot, Lot 11 is approved for a front setback of 2 feet.
11. Of the 45 lots, 23 lots are approved on the site plan with a lot width of between 30 and 48 feet.
12. Stormwater and grading will be approved by separate permits. A combination of curb and gutter and swales will be used to manage storm water runoff.
13. Retaining walls will meet retaining wall standards for design and plantings.
14. Along the road in Phase II and the 'Y', traffic control and crosswalks needed per Engineering requirements.
15. Retaining walls will meet City and building code standards for landscaping and guardrail protection where required.
16. Pedestrian bridge will require a separate building permit.
17. The developer will need to obtain all right of way and utility cut permits.
18. All street lights to be LED lights.

19. The Property owner will work with the Asheville Design Center to further the design and development of the Smith Mill Creek Greenway.

20. The Property owner agrees to accommodate restoration for the streams located on the Property in Areas 3 and 10 on the Site Plan at page C-16, and to work with RiverLink and/or other similar organizations to effectuate such restoration; however should such restoration not occur, the Property owner agrees to provide stream enhancements for the same area.

21. The property owner will create and post a sign at or near the boundary of the Property and the adjoining Falconhurst Natural Area (PIN No.9638-17-3304-00000)(the "Natural Area") informing the public as to the condition of the Natural Area and any rules and regulations which are applicable to the Natural Area. The sign characteristics and language must be approved by the City Parks and Recreation Department.

22. The property owner will make an offer of dedication of an easement to the City for a trail beginning at Tanglewood Drive and terminating at the north end of the open space area adjacent to Lots 31 and 32 on the Site Plan and which approximately follows the path indicated in the Site Plan and Exhibit B.2 attached hereto. The trail will be located so as to provide the ability to connect to the Falconhurst Natural Area in the future. The easement area shall be twenty (20) feet in width where available, but in no event less than ten (10) feet wide. The final location of the easement and design shall comply with all local, state, and federal regulations and shall be subject to final approval by the City of Asheville. The offer of dedication shall be in a form reasonably acceptable to the City Attorney and shall be executed and recorded at the Buncombe County Register of Deeds on or before the issuance of building permits for infrastructure for Phase II. The City shall have no obligation to accept the offer of dedication, but should the City choose to accept, this right must be exercised within one (1) year following the date the offer of dedication is recorded.


5' WIDE WALKING TRAIL
20' TRAIL EASEMENT
NOTES:
EXACT LOCATION OF 5' WIDE WALKING TRAIL TO BE FIELD DETERMINED BASED ON EXISTING SITE CONDITIONS. COORDINATE WITH OWNER FOR LOCATION PRIOR TO CONSTRUCTION.
STREET LIGHTS SHALL BE INSTALLED AT INTERVALS OF 125 FEET TO 150 FEET ON ALTERNATING SIDES OF THE STREET, WITH THE EXCEPTION OF THE ONE-WAY PORTION OF THE STREET LAYOUT.
WIDTH OF SIDEWALK EASEMENT TAKEN FROM EDGE OF PAVEMENT. (5.5' FROM PROPOSED R/W)
STREET LIGHT (TYP.)
END PAVEMENT THIS LOCATION
GRAVEL DRIVE
PROPOSED PEDESTRIAN BRIDGE
10' SIDEWALK EASEMENT
END 18" CMP THIS LOCATION
END PAVEMENT THIS LOCATION
8' SIDEWALK EASEMENT (2' FROM EDGE OF SIDEWALK)
8' CONCRETE SIDEWALK (TYP.)
TRANSITION TO 17' PAVEMENT, THIS LOCATION
PROPOSED 5' TRAIL AND 20' TRAIL EASEMENT TO EXTEND TO TANGLEWOOD DR.
TANGLEWOOD DRIVE
CRAGGY AVENUE
8' WIDE PAINTED CROSSWALK
SITE TRIANGLE (TYP.)
HANDICAP RAMP (TYP.)
EXISTING HOUSE TO REMAIN
1-STORY FRAME HOUSE WITH BASEMENT
PLAT BOOK 151 PAGE 119
PLAT BOOK 34 PAGE 127
SIDE SETBACK
FRONT SETBACK
REAR SETBACK
10.00'
5.00'
SQ. FT.
TYPICAL LOT SETBACK INFORMATION*
*NOTE:
MODIFICATION REQUESTED FOR REQUIRED SETBACKS. SETBACKS INDICATED ARE THE REQUESTED DIMENSIONS. SEE THE DEVELOPMENT DATA BLOCK, SHEET C2, FOR MORE INFORMATION.
PHASE II LOT LINE DATA
PHASE II ROADWAY CENTERLINE DATA
EXHIBIT B.2
0' 30' 60' 90'
GRAPHIC SCALE 1"=30'

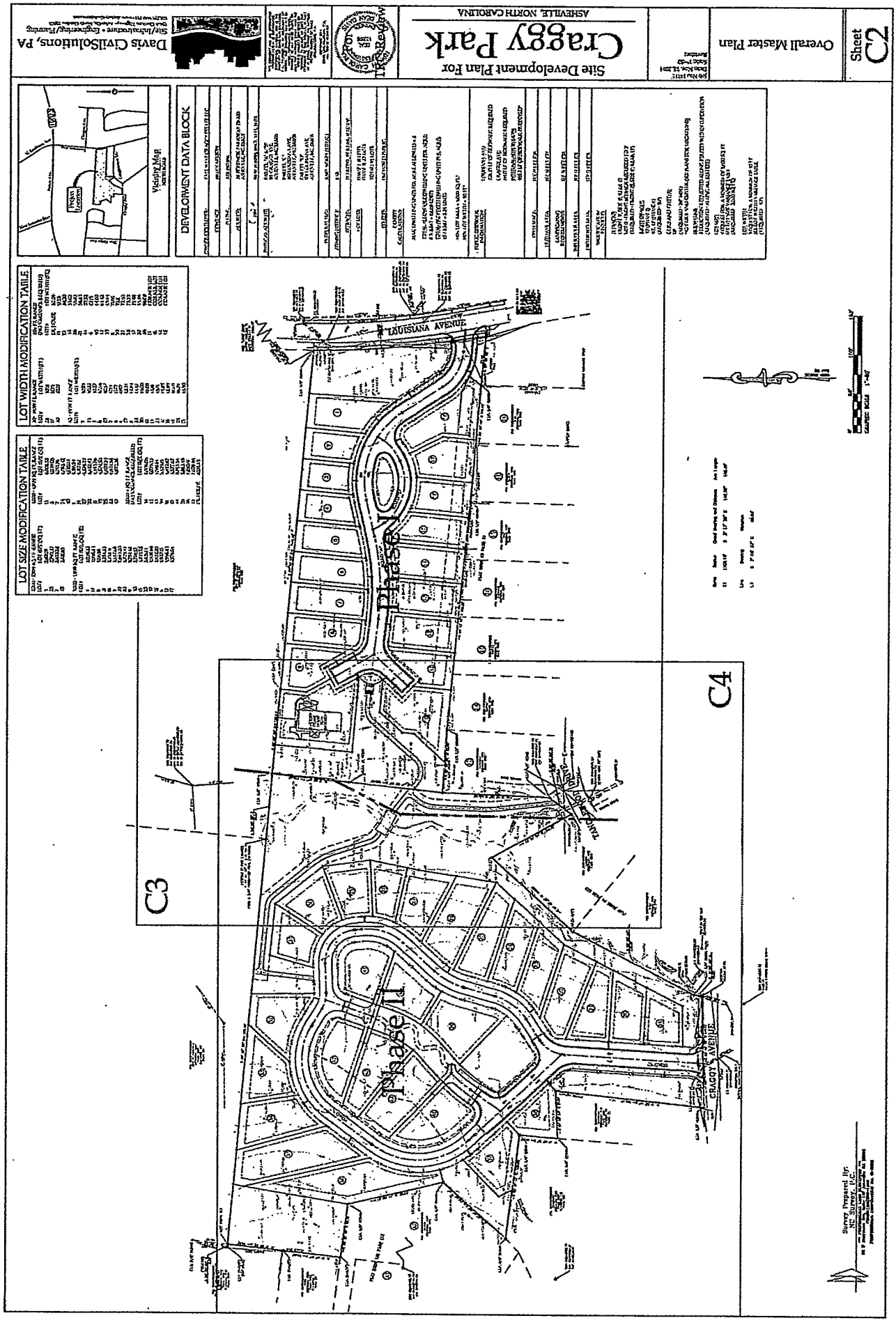
Davis CivilSolutions, PA
Site/Infrastructure • Engineering/Planning

Site Development Plan For
Craggy Park
ASHEVILLE, NORTH CAROLINA

Phase II Layout

Sheet
C4

Craggy Park Exhibit C



387

ORDINANCE NO. 4391

ORDINANCE REZONING PROPERTY LOCATED AT 99999 SOUTH FRENCH BROAD AVENUE AND 99999 SOUTH GROVE STREET NEAR 230 HILLIARD AVENUE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City, and is determined to be reasonable and in the public interest for the following reasons:

a.) Expansion of the CBD is generally recommended in the *2025 Plan* and specifically recommended along Asheland Avenue in the *Downtown Master Plan;* and
b.) Application of the context transition edge and development standards in the UDO pertaining to building placement should minimize some impact to the adjacent neighborhood with future development;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

> The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PINs 9648.28-3815 (portion of) and 9648.28-4728, recorded in Deed Book 4597, Page 632; currently owned by Hilliard Avenue LLC, from Central Business District and Residential Single-family High Density district to Central Business District. A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity

of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 24th day of February, 2015.

Magdalen Burleson
City Clerk

Mayor

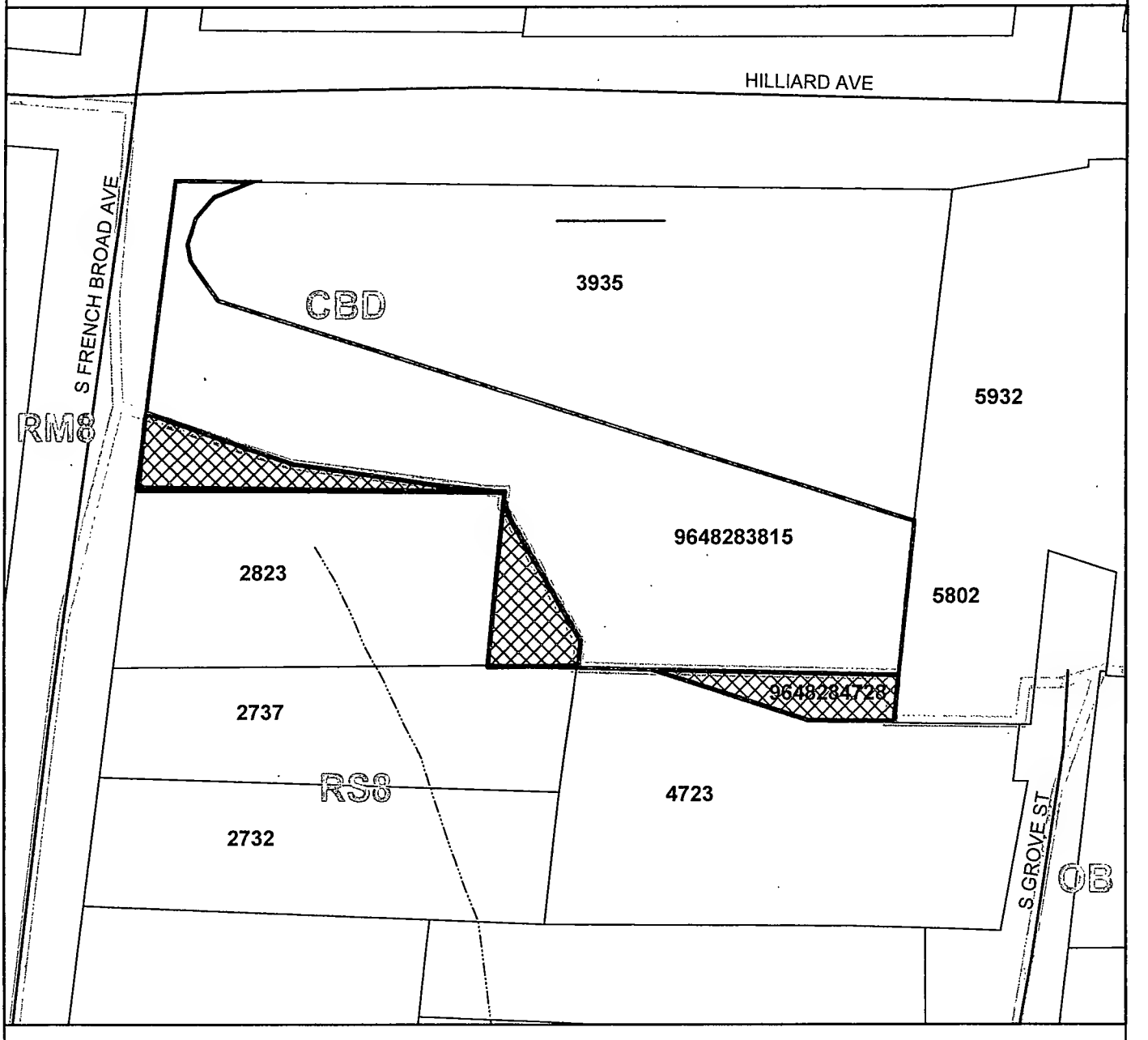
Approved as to form:

City Attorney

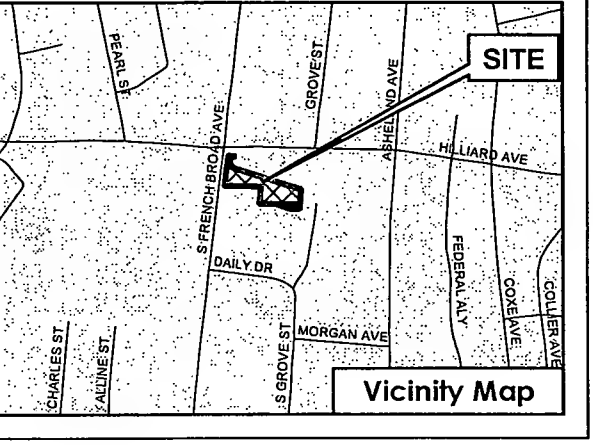
Magdalen Burleson
City Clerk

389

City of Asheville - Exhibit A Map
Rezoning Request



Project Name:	Rezoning Request
Project Number:	14-16533PZ
Project Description:	From CBD & RS-8 to CBD
Petitioner(s):	Robert Gelder
Parcel ID Number(s):	9648-28-3815 - Portion of 9648-28-4728 - Entire Parcel
Location/Address:	99999 South French Broad Ave. 99999 South Grove St.



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Development Department - December 2014

ORDINANCE NO. 4392

ORDINANCE AMENDING OFFICIALLY ADOPTED MAP PERTAINING TO THE CENTRAL BUSINESS DISTRICT: MASTER PLAN CONCEPTS – CONTEXT TRANSITION EDGE AND HEIGHT ZONES MAP PERTAINING TO THE REZONING OF 226 HILLIARD AVENUE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is herby adopted and incorporated by reference; and

WHEREAS, these maps appear in the development standards section for the Central Business District and pertain to height allowances and other development standards; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest for the following reasons:

a.) The proposed map amendments are in accordance with adopted land use changes;
b.) The proposed map amendments implement portions of the City Council-adopted Downtown Master Plan, *2025 Plan* and supports the goals and vision plan;
c.) The map amendment will support the redevelopment of the south area of downtown and provide protection to adjacent residential uses.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The map entitled Master Plan Concepts – Context Transition Edge and Height Zones be amended as proposed and attached hereto as Exhibit "A" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 24th day of February, 2015.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ASHEVILLE

City of Asheville
Downtown Master Plan Maps
Context Edge and Height Zones

N
W E
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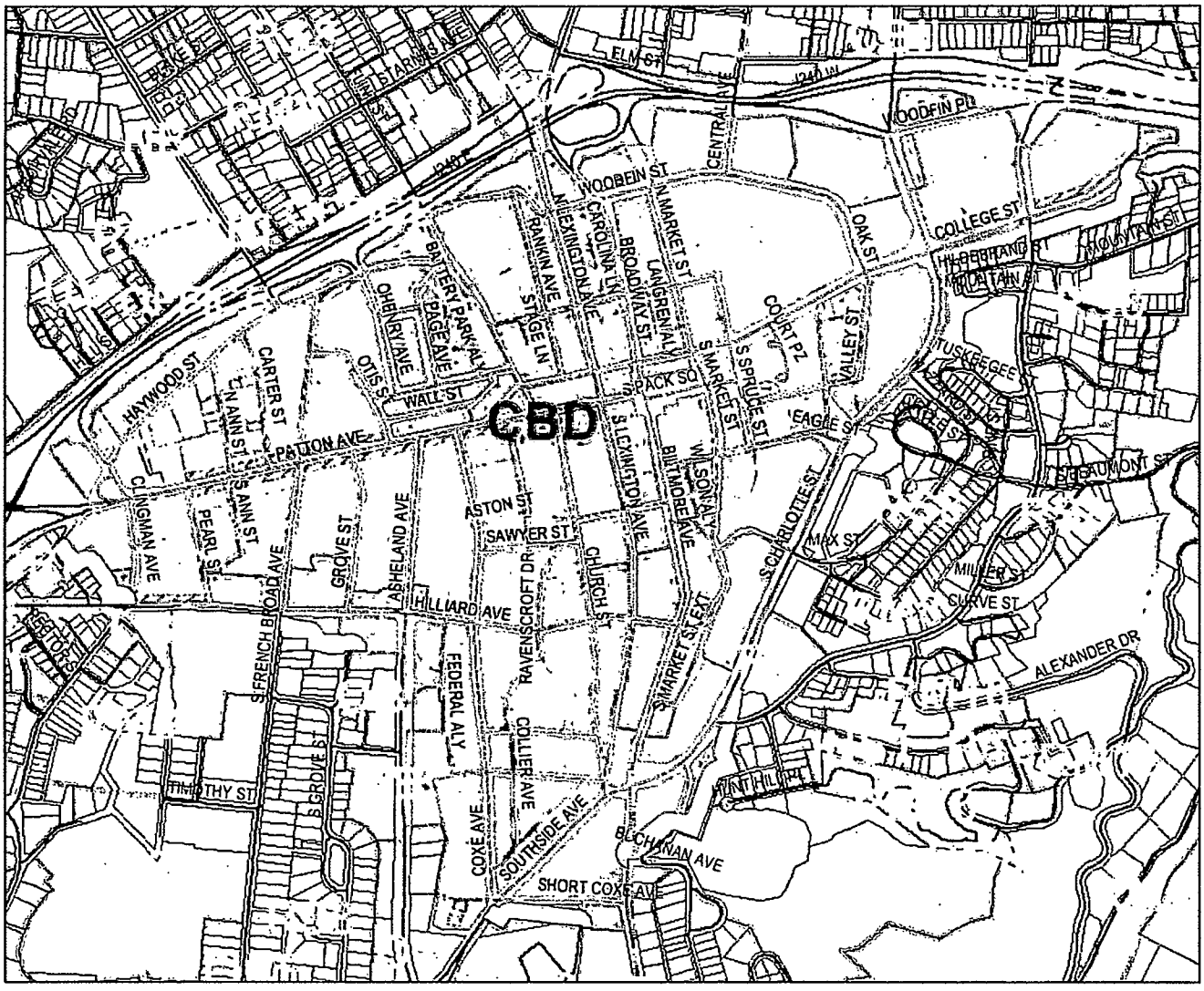

Legend

- Context Transition Edge
- Building Height Buffer Zone
- Intermediate Height Zone
- Tallest Height Zone
- Central Business District
- Parcels
- Streets

This is the updated height zone map. This map includes the height zone areas for the Tallest Height Zone, the Intermediate Height Zone, Building Height Buffer Zone and the Context Transition Edge.

393

ORDINANCE NO. 4393

ORDINANCE AMENDING CHAPTER 1 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO REPEAL THE REQUIREMENT FOR A MANDATORY WARNING CITATION PRIOR TO THE ASSESSMENT OF ANY CIVIL PENALTY

WHEREAS, the City's authority to access civil penalties to enforce its ordinances is found in N.C. Gen. Stat. § 160A-175(c) and that statute does not require the City to provide violators with a warning citation prior to assessing a civil penalty; and

WHEREAS, where the City Council has been deemed it appropriate, City ordinances which subject offenders to civil penalties require a warning and an opportunity to cure the violation prior to assessing a civil penalty; and

WHEREAS, the enforcement of other City ordinances, which do not independently require a warning and opportunity to cure, could be hindered by a mandatory warning citation requirement; and

WHEREAS, the City Council of the City of Asheville hereby determines that it is appropriate to remove the requirement for a mandatory warning citation prior to assessing any civil penalty found in subsections (j) and (k) of Section 1-5;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Chapter 1, Section 1-5 (General penalty; civil remedies; enforcement of ordinances; continuing violations) of the Code of Ordinances of the City of Asheville, is hereby amended as follows:

1. Section 1-5(j) is repealed in its entirety.

2. Sections 1-5(k) and 1-5(1) are amended and re-lettered, as follows:

j. Unless provided otherwise in this Code, upon determination of a violation of any section of this Code, the penalty for which is a civil penalty, the City shall cause a civil citation to be issued to the violator. A civil citation shall be issued by the appropriate official of the city and either served directly on the violator or his duly designated agent or registered agent, if a corporation, in person or posted in the United States mail service by first class mail addressed to the last known address of the violator as contained in the records of the city or obtained from the violator at the time of issuance of the warning citation. The violator shall be deemed to have been served upon the mailing of such citation. Unless provided otherwise in this Code, the citation shall direct the violator to appear before the city clerk, located in the city hall, within 15 days of the date of the citation or alternatively to pay the citation by mail. The violation for which the citation is issued must have been corrected by the time the citation is paid; otherwise, further citations shall be issued. Citations may be issued for each day the offense continues until the prohibited activity is ceased or abated.

k. Unless provided otherwise in this Code, if the violator fails to respond to a citation within 15 days of its issuance and pay the penalty prescribed therein, the city may institute a civil action in the nature of debt in the appropriate division of the state general court of justice for the collection of the penalty.

Section 2. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsection, sentences, clauses or phrases be declared invalid.

Section 3. All ordinances or part of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted this the 10th day of March, 2015.

Magdalen Burleson
City Clerk

Allen E. Mc
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

395

ORDINANCE NO. 4394

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 10th day of March, 2015.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Technical adjustment to appropriate sufficient budget in the General Capital Projects Fund for the design of the Craven Street Greenway pavilion.

Magdalen Burleson
City Clerk

City of Asheville

Budget Amendment Details

1. Effective Date: 3/10/2015

2. Fiscal Year: 2014-15

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

Finance & Management Services — 4. Requesting Department

3/2/2015 — 5. Today's Date

6. Preparer's Name

7. Comments/Purpose:	Technical Capital Project Budget Amendment in the amount of $16,070 to move funding for the design of the Craven Street Greenway pavilion from the General Fund to the General Capital Projects Fund.			
8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Oper Transfers from General Fd			$0	
41090231:498100:E1202	$90,143	$0	$106,213	$16,070
			$0	
Expenditures:			$0	
Professional Services			$0	
41000803:521002:E1202	$228,346	$0	$244,416	$16,070
			$0	
			$0	
			$0	
Revenue:			$0	
			$0	
			$0	
			$0	
Expenditures:			$0	
Contract Services			$0	
11000070:521001	$120,494	$50,494	$104,424	($16,070)
Transfer to Gen Cap Proj Fund			$0	
11090070:800410	$0	$0	$16,070	$16,070
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

1397

ORDINANCE NO. 4395

ORDINANCE AMENDING THE FISCAL YEAR 2014-15 FEES & CHARGES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Fiscal Year 2014-15 fees and charges, attached to and made a part of this ordinance, be adopted.

That this ordinance shall be in full force and effect upon March 11, 2015.

Read, approved and adopted this 10th day of March, 2015.

Magdalen Bullock
CITY CLERK

E Ann E. Mahr
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

Description of Revenue

Revenue derived from the Aston Park Tennis Center.

Aston Park Tennis Center Annual Passholder Fees

Passholder type	Current Fee	New Fee
City Resident - Individual	$ 160	$ 250
City Resident - Senior ^	$ 130	$ 220
City Resident - Family	$ 200	$ 400
City Resident - Senior Family ^	$ 160	$ 300
Non-City Resident - Individual	$ 200	$ 325
Non-City Resident - Senior *	$ 170	
Non-City Resident - Family	$ 240	$ 500
Non-City Resident - Senior Family *	$ 200	

Notes:

^Currently, passholders have been receiving a senior discount beginning at age 50. Senior discount changes to age 67.

**Senior discounts eliminated for Non-City Residents.*

399

ORDINANCE NO. 4396

ORDINANCE AMENDING CHAPTER 11 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE PERTAINING TO SMOKING

WHEREAS, electronic cigarettes, also known as e-cigarettes, are battery-operated products designed to deliver nicotine, flavor and other chemicals, turning chemicals, including highly addictive nicotine, into an aerosol that is inhaled by the user; and

WHEREAS, while recognizing that long term health effects of inhaling vapors and effects of secondhand vapors from electronic cigarettes are unknown, a 2009 study by the United States Food and Drug Administration as to the ingredients in a small sample of cartridges from two leading brands of e-cigarettes, found detectable levels of toxic chemicals and known carcinogens, including nitro, and in one sample diethylene-glycol, a chemical found in antifreeze; and

WHEREAS, researchers have found that exhaling e-cigarette vapors releases measurable amounts of carcinogens and toxins into the air, including nicotine, formaldehyde, and acetaldehyde, concluding that the impact of vapor inhalation into the human lung should be of primary concern; and

WHEREAS, there have been a number of reports alleging that the batteries to e-cigarettes have exploded either during charging or use by the smoker, with injuries reported in some cases; and

WHEREAS, pursuant to N.C.G.S. § 160A-174, cities in North Carolina may by ordinance define, prohibit, regulate or abate acts, omissions, or conditions, detrimental to the health, safety or welfare of its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Article II of Chapter 11 of the Code of Ordinances of the City of Asheville be amended as follows:

1. Sec. 11-31 (smoking on buses), be amended as follows:

   (a) It shall be unlawful for any person to smoke tobacco or any other substance or carry lighted cigars, lighted cigarettes lighted pipes including the use of e-cigarettes, on any bus operated as part of the local public transportation system of the City.

   (b) Signs or posters giving notice of the smoking prohibition shall be installed and prominently displayed in each city bus.

2. Sec. 11-32 (Regulation of smoking in municipal buildings and on municipal grounds), be amended as follows:

   It shall be unlawful for any person to smoke or carry a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product including the use of e-cigarettes, in any park or greenway, now or hereafter owned, leased, or occupied by the city; e-cigarettes means any electronic oral device, such as one composed of heating elements, battery,

and/or electronic circuit, that contains or delivers nicotine or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, vape pen or under any other product name or descriptor, excluding any product regulated by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug and Cosmetic Act, excluding any product regulated by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug and Cosmetic Act.

3. Sec. 11-32 (b) be amended as follows:

   (a) It shall be unlawful for any person to smoke or carry a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product including the use of e-cigarettes, in any building or facility or the grounds of any building or facility, or portion thereof, now or hereafter owned, leased, operated, occupied, managed or controlled by the City, the Greater Asheville Regional Airport Authority, the Pack Place Education, Arts and Science Center, Inc., the Asheville US Cellular Center or the Housing Authority of the City of Asheville, except in smoking areas which may be specially designated as follows:

4. Sec. 11-33(Smoking prohibited in municipal vehicles), be amended as follows:

   It shall be unlawful for any person to smoke or carry a lighted cigarette, lighted cigar ~~or~~ lighted pipe, or any other lighted tobacco product including the use of e-cigarettes, in any vehicle now or hereafter owned or leased by the city.

5. Sec. 11-34 (Regulation of smoking in public places) be amended as follows:

   It shall be unlawful for any person to smoke or carry a lighted cigarette, lighted cigar ~~or~~ lighted pipe, or any other lighted tobacco product including the use of e-cigarettes, in a public place, or portion thereof, wherein the owner or operator thereof has designated the premises or portion thereof a nonsmoking area and posted notice as set forth hereinafter.

6. Sec. 11-36 (a) (Violations) be amended as follows:

   It shall be unlawful for any person to smoke to include the use of e-cigarettes, in any area where smoking is prohibited by the provisions of this article.

7. Sec. 11-37 (Penalties), be amended as follows:

   Continuing to smoke including the use of e-cigarettes in violation of this article constitutes an infraction, and the person committing the infraction may be punished by a fine of not more than $50.00.

8. Sec. 11-38 (Other laws), be amended as follows:

   This article shall not be construed to permit smoking including the use of e-cigarettes where it is otherwise prohibited by other applicable laws.

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Section 2. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsection, sentences, clauses, or phrases be declared invalid.

Section 3. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed to the extent of such conflict.

Section 4. This ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted this 10th day of March, 2015.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

ORDINANCE NO. 4397

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 24th day of March, 2015.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Partially fund the contract with Hyland Software and other suppliers for the Integrated Document Management Software Replacement Project.

Magdalen Bowleson
City Clerk

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City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2014-15

3. Amendment to Operating _x___ and/or Capital Project ____ appropriation.

ITS	3/24/2015	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: technical amendment for document imaging project

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
General Fund				
Revenue:				
Transfer from Capital Fund				
11090054 498xxx	$0.00	$0.00	$32,750.00	$32,750.00
Expenditures:				
Licenses				
11000054 528001	$57,300.00	$0.00	$90,050.00	$32,750.00

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4398

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 24th day of March, 2015.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Legal Fees for Civil Service Board Grievance Hearings

Magdalen Bowleson
City Clerk

405

City of Asheville

Budget Amendment Details

1. Effective Date: 3/24/2015

2. Fiscal Year: 2014-15

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

4. Requesting Department	5. Today's Date	6. Preparer's Name
HR	3/12/2015	

7. Comments/Purpose:	Budget Amendment in the amount of $45,018.00 from unassigned fund balance to appropriate funding for outside legal services that have exceeded the initial budget for the Civil Service Board.

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Appropriated Fund Balance			$0	
11000010:499100	$2,173,500	$0	$2,218,518	$45,018
			$0	
Expenditures:			$0	
Legal Serv-- Civil Serv			$0	
11000040:521022	$20,000	($26,879)	$65,018	$45,018
			$0	
			$0	
			$0	
Revenue:			$0	
			$0	
			$0	
			$0	
Expenditures:			$0	
			$0	
			$0	
			$0	
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			$0	
			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

ORDINANCE NO. 4399

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT ONE SUNSET PARKWAY

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City and is determined to be reasonable and in the public interest for the following reasons:

a) The project proposes the adaptive reuse of the City's valuable commercial and residential historic resources.
b) The proposal promotes adaptive reuse of vacant or underutilized structures, while ensuring that neighborhood compatibility is met.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

> The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9649.65-3576 from RS-4 (Residential Single-Family Medium Density District) to RM-6CZ (Residential Multi-Family Low Density Conditional Zoning District). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B-1" and substantially complies with the site plans shown in Exhibit "C", both attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity

of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 24th day of March, 2015.

Magdalen Bullion
City Clerk

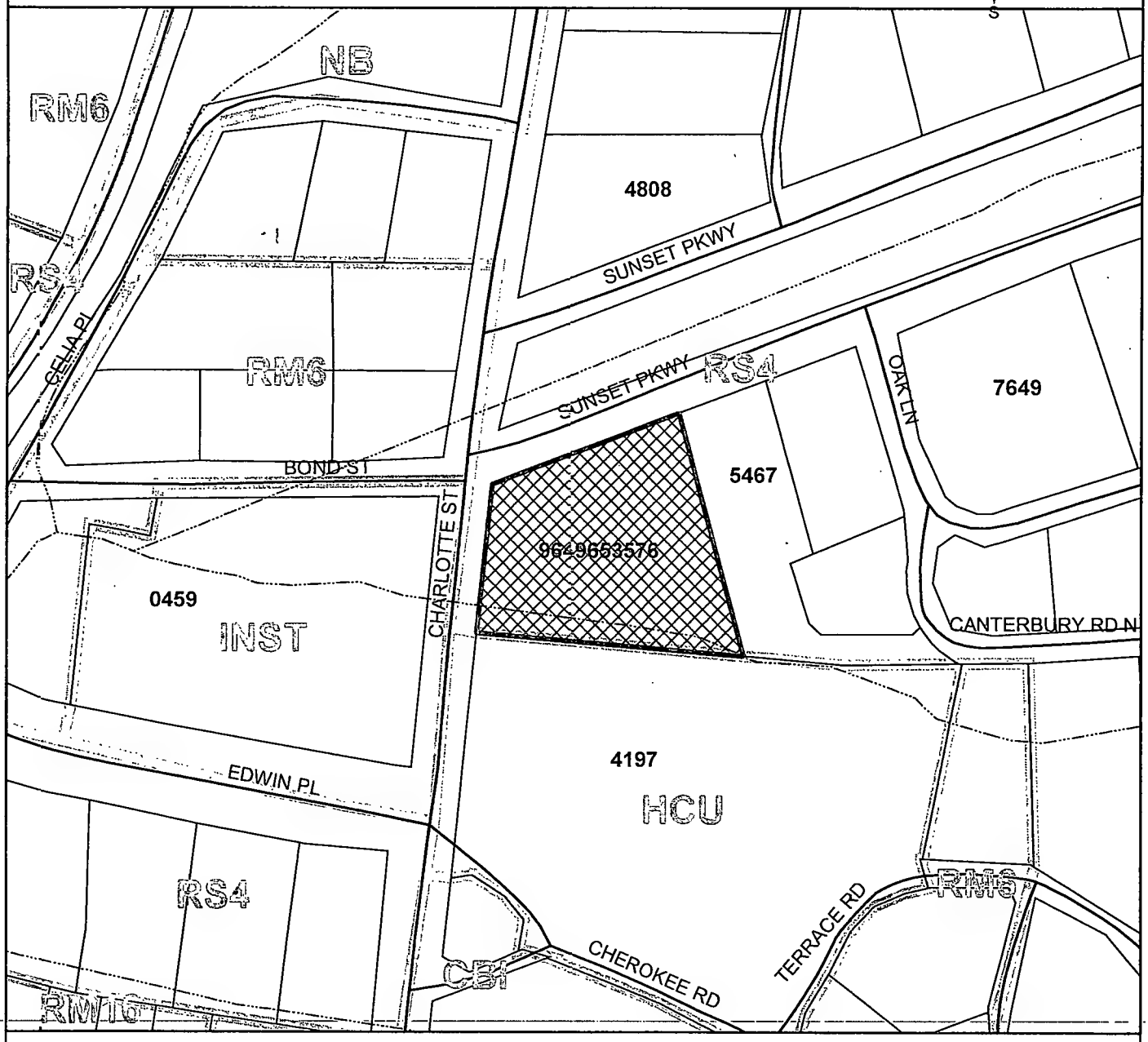
Mayor

Approved as to form:

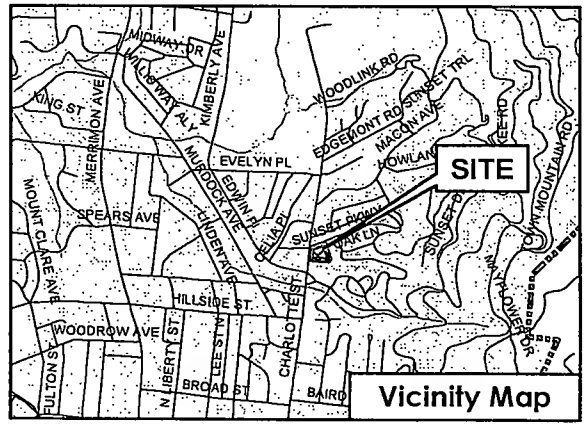
City Attorney

Magdalen Bullion
City Clerk

City of Asheville - Exhibit A Map
CZ - 1 Sunset Parkway



Project Name:	1 Sunset Parkway
Project Number:	15-0486PZ
Project Description:	Two Dwelling Units
Petitioner(s):	Howard Stafford
Parcel ID Number(s):	9649-65-3576
Location/Address:	1 Sunset Parkway



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Development Department - 1/21/15

DRAFT
EXHIBIT B-1
CONDITIONS

1. Approval is for the conversion of a historic structure that previously housed a place of worship into no more than two dwelling units.
2. 10 foot easement to be provided to the City of Asheville along both Charlotte Street and Sunset Parkway to allow for any future sidewalk improvements.
3. The building design, site design, construction materials, and orientation on site must substantially comply with the site plan attached hereto as Exhibit C and incorporated herein by reference and the final approved site plan that is incorporated into the zoning permit. Any major deviations from these plans will require reconsideration of the project by the reviewing boards.
4. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.

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EXHIBIT C

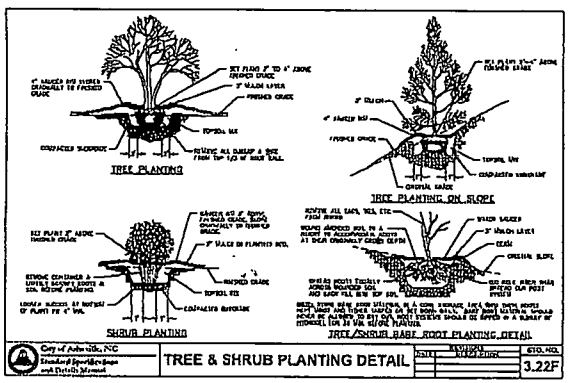
MASTER PLAN:
DEVELOPMENT DATA

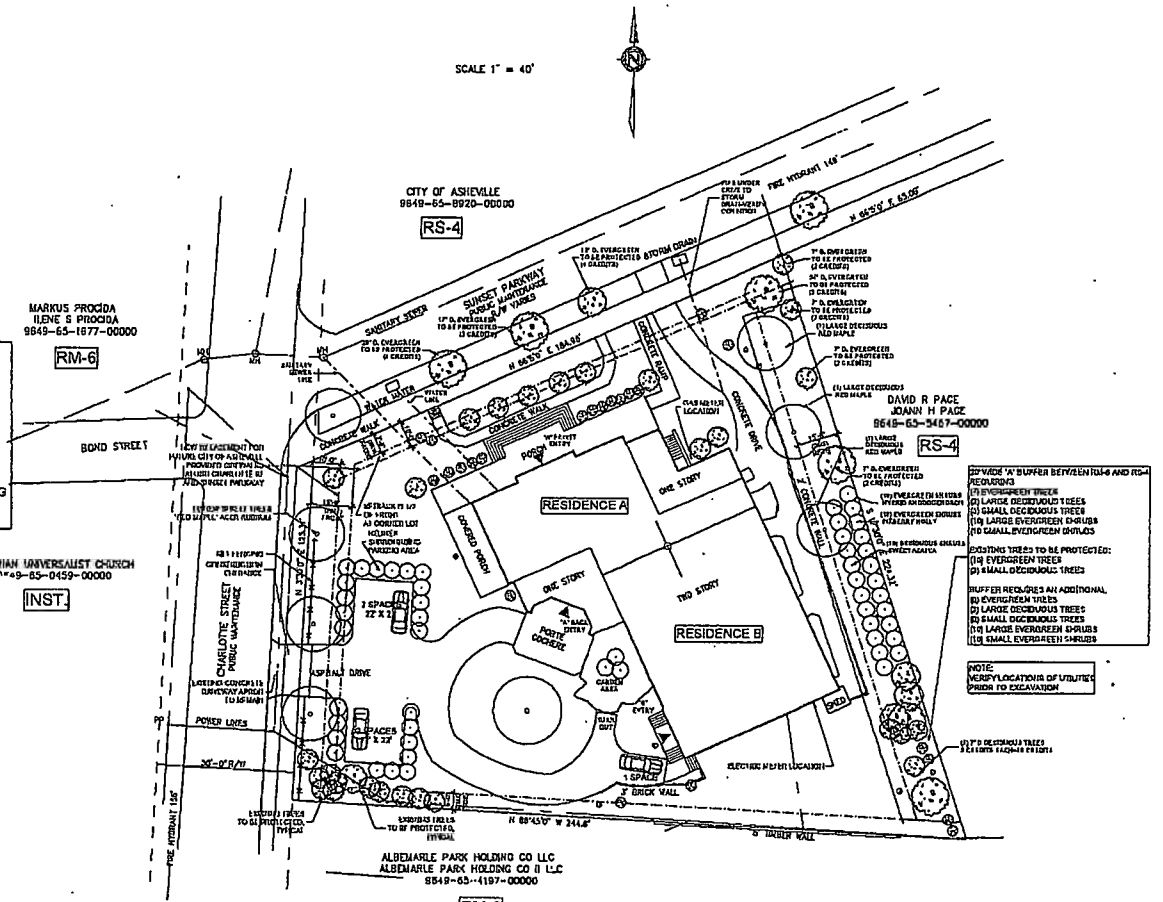
PROJECT: RENOVATIONS TO 1 SUNSET PARKWAY, ASHEVILLE, NC
ADDRESS 1 SUNSET PARKWAY, ASHEVILLE, NC, 28801
PIN: 9649-65-3576-00000
PROPERTY SIZE: 35,943 S.F. (0.825 ACRES)
ZONING DISTRICT: RS-4, PROPOSED CONDITIONAL USE RM-6
OWNER: HOWARD STAFFORD, 301 E. CHESTNUT STREET, ASHEVILLE, NC, 28801, 828-258-0986
EXISTING SETBACKS FOR RS-4 TO BE MAINTAINED: 25' FRONT, 10' SIDE, 25' REAR
SETBACKS FOR RM-6: 15' FRONT, 6' SIDE, 15' REAR
BUILDING HEIGHT: 35'-4"
EXISTING BUILDING TO DIVIDED INTO TWO SINGLE FAMILY RESIDENCES.
GRADING AREA: 2,500 SF AT NEW PARKING AREA
IMPERVIOUS AREA: 2,500 SF AT NEW PARKING AREA

MASTER PLAN:
PARKING REQUIREMENTS:
RESIDENTIAL SINGLE FAMILY THREE BEDROOMS OR MORE
MAXIMUM # OF REQUIRED SPOTS IS 1 FOR EACH .33 UNIT = 2/.3=8
MINIMUM # OF REQUIRED SPOTS IS 1 FOR EACH .5 UNIT = 2/.5= 4

5 OFF STREET PARKING SPACES WILL BE PROVIDED

ACCESSIBLE PARKING IS NOT REQUIRED AS UNDER 26 SPACES ARE BEING PROVIDED.
BICYCLE PARKING IS NOT REQUIRED FOR TWO FAMILY DWELLINGS.
PARKING LANDSCAPING REQUIREMENTS DO NOT APPLY AS FEWER THAN 6 SPACES ARE BEING PROVIDED





1 SITE PLAN
SCALE: 1" = 40'

mark allison

NOT ISSUED FOR CONSTRUCTION

SITE CONCEPT PLANS 2/24/2015

MARK ALLISON ARCHITECT
PUBLICATION DATE
LIMITED PUBLICATION
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REVISIONS:

DATE	REMARK

14.07-RENOVATIONS TO
1 SUNSET PARKWAY
ASHEVILLE, NC

ZONING COMPLIANCE SITE
LAYOUT & EROSION CONTROL
UTILITIES PLAN

S-1.2

411

ORDINANCE NO. 4400

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 14th day of April, 2015

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Budget amendment to increase the budget with funds received from the trust fund contributions from the WNC Veterans' Memorial Fund held by the Community Foundation of Western North Carolina for maintenance and repair of the WNC Veterans' Memorial located in Pack Square Park.

Magdalen Burleson
City Clerk

City of Asheville

Budget Amendment Details

1. Effective Date: 4/14/2015

2. Fiscal Year: 2014-15

3. Amendment to Operating __X__ and/or Capital Project ___ appropriation.

Parks & Recreation	3/25/2015	Debbie Ivester
4. Requesting Department	5. Today's Date	6. Preparer's Name

7. Comments/Purpose:	Budget Amendment for WNC Veteran Memorial in Pack Square Park from Community Foundation trust fund draw down

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Private Donation			$0	
2200 0803 483304 R1302	$4,080	$14,940	$14,940	$10,860
			$0	
Expenditures:			$0	
Contracted Services			$0	
2200 0803 521001 R1302	$3,000	$0	$13,860	$10,860
			$0	
			$0	
			$0	
Revenue:			$0	
			$0	
			$0	
			$0	
Expenditures:			$0	
			$0	
			$0	
			$0	
			$0	
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			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

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ORDINANCE NO. 4401

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 14th day of April, 2015

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Budget amendment to reimburse the budget with funds received from BB&T for materials for the community service work day at Carrier Park.

Magdalen Bowlson
City Clerk

City of Asheville

Budget Amendment Details

1. Effective Date: 4/14/2015

2. Fiscal Year: 2014-15

3. Amendment to Operating _X___ and/or Capital Project ___ appropriation.

4. Requesting Department	5. Today's Date	6. Preparer's Name
Parks & Recreation	3/24/2015	Debbie Ivester

7. Comments/Purpose: Budget Amendment for park maintenance for a donation from BB&T

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Private Donation			$0	
R7000803 483300 R0943	$2,200	$7,200	$7,200	$5,000
			$0	
Expenditures:			$0	
Tranfer to General Fund			$0	
22090800 800110 R0943	$68,000	$0	$73,000	$5,000
			$0	
			$0	
			$0	
Revenue:			$0	
Operating Transfer Grant Fund			$0	
11090803 493200	$2,200	$5,000	$7,000	$5,000
			$0	
Expenditures:			$0	
Materials			$0	
1100 0803 524101	$50,960	$19,746	$24,746	$5,000
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
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			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAir str.doc

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ORDINANCE NO. 4402

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 14th day of April, 2015.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Acoustical & Structural Analysis for Thomas Wolfe Auditorium

Magdalen Burleson
City Clerk

City of Asheville

Budget Amendment Details

1. Effective Date: 4/14/2015

2. Fiscal Year: 2014-15

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

US Cell Ctr. | 4. Requesting Department | 5. Today's Date | 6. Preparer's Name

7. Comments/Purpose:	Contract for Acoustical and Structural Analysis of the Thomas Wolfe Auditorium			
8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Oper Transfers CivCt Cap Pr Fd			$0	
62690900:498632	$0	$0	$60,000	$60,000
			$0	
Expenditures:			$0	
Contracted Services			$0	
62600900:521001	$138,487	$33,129	$198,487	$60,000
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
Expenditures:			$0	
Maint & Repair - Buildings			$0	
62700905:522003:C1501	$252,050	$252,050	$192,050	($60,000)
			$0	
Transfer to Civic Center Fund			$0	
62790905:800626:C1501	$0	$0.00	$60,000	$60,000
			$0	
			$0	
			$0	
			$0	
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			$0	
			$0	
			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

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ORDINANCE NO. 4403

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO INCLUDE REASONABLE ACCOMMODATION PROCEDURES

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the federal Fair Housing Act, 42 U.S.C. § 3601 et seq. ("FHA") and the Americans with Disabilities Act, 42 U.S.C. § 12131 et seq. ("ADA") are intended to eliminate discrimination against certain protected individuals and to allow qualified individuals to request a reasonable accommodation in the City's rules, policies, practices, or services, when such accommodation may be necessary to afford that individual an equal opportunity to the use and enjoyment of a dwelling; and

WHEREAS, the Unified Development Ordinance (Chapter 7 of the City Code of Ordinances) currently does not contain a quasi-judicial procedure by which qualified applicants can request a reasonable accommodation under federal law; and

WHEREAS, it is in the best interest of the City, its citizens, and the public health, safety and welfare to include a reasonable accommodation procedure in the Unified Development Ordinance; and

WHEREAS, this proposed change to the ordinance is determined to be consistent with the comprehensive plan and other adopted plans, and to be reasonable and in the public interest, in that it provides a procedure to protect individuals against discrimination and to request reasonable accommodations under federal law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Chapter 7 of the Code of Ordinances of the City of Asheville is hereby amended as follows:

a. The title to Article VI is amended as follows:

ARTICLE VI. VARIANCES, ADMINISTRATIVE APPEALS AND REASONABLE ACCOMMODATIONS

b. Section 7-3-3 is amended as follows:

Sec. 7-3-3. - Board of adjustment.

(a) *Powers and duties.* The board of adjustment for the City of Asheville shall have the following powers and duties, to be carried out in accordance with the terms of this chapter:

(1) To hear and decide applications for approval of variances from the terms of this chapter, in accordance with the procedures and standards set forth in section 7-6-1 of this chapter, except where this chapter places responsibility for hearing or considering such a variance with another body.

(2) To hear and decide appeals from any order, requirement, permit, decision, or determination issued or made by an administrative officer of the city in enforcing any provision of this chapter, in accordance with the procedures and standards set forth in section 7-6-2 of this chapter. (However, see section 7-12-2(q), Soil Erosion and Sedimentation Control, for special review procedures pertinent to appealing administrative decisions on erosion control plans and section 7-12-5, Stormwater Management, for special review procedures pertinent to appealing administrative decisions on stormwater management plans.)

(3) To serve as the city's housing code appeals board in accordance with the procedures and standards set forth in Chapter 4 of the Code of Ordinances for the City of Asheville, or its successor.

(4) To hear and decide applications for approval of reasonable accommodations under federal law for handicapped or disabled persons proposing to live in a family care or group home, in accordance with the procedures and standards set forth in Section 7-6-3 of this Chapter.

(5) Such additional powers and duties as may be set forth elsewhere in this chapter and in other laws and regulations.

c. Section 7-6-3 is added as follows:

Section 7-6-3. Reasonable Accommodations.

(a) *Purpose.* It is the policy of the City of Asheville to provide individuals with disabilities or handicaps a reasonable accommodation in its rules, polices, practices and procedures, to ensure the equal access to housing and facilitate the development of housing for individuals with disabilities or handicaps in compliance with federal law. This Section provides a procedure for making requests for reasonable accommodations in land use, zoning and building regulations, policies, practices and procedures for the City of Asheville to comply fully with the intent and purpose of federal laws.

Nothing in this Section requires persons with disabilities or handicaps, or operators of family care homes or group homes for persons with disabilities or handicaps acting or operating in accordance with applicable zoning, licensing or land use laws or practices, to seek reasonable accommodation under this Section.

(b) *Eligible Applicants.*

(1) This Section is intended to apply to those persons who are defined as disabled or handicapped under federal law. A person recovering from substance abuse is considered a person with a disability or handicap; however, a person who is currently engaging in the illegal use of controlled substances is not.

(2) A request for a reasonable accommodation may be made by any person with a disability or handicap, his or her legal representative, or a provider of for persons with disabilities or handicaps in the City's land use and zoning regulations, policies, or practices when the application of such may act as a barrier to affording such person[s] equal opportunity to use and enjoy a dwelling in accordance with the law.

(c) *Eligible Requests.*

(1) A request for a reasonable accommodation may include a modification or exception to the rules, standards and/or practices for the siting, development, and use of housing or housing-related facilities in this Unified Development Ordinance, that would eliminate regulatory barriers and provide a person with a disability or handicap an equal opportunity to a dwelling of his or her choice.

(d) *Applications.*

(1) The City of Asheville's Department of Development Services shall provide applicants for a reasonable accommodation with an application form, eliciting the following information:

(a) The applicant's name, address and telephone number;

(b) Name, address, and telephone number of the property owner and the current address for which the request is being made;

(c) The current actual use of the property;

(d) The basis for the claim that the applicant is considered disabled or handicapped under federal law;

(e) The UDO provision, regulation or policy from which reasonable accommodation is being requested.

(f) Explanation of why the reasonable accommodation is necessary to make specific property available for the individual.

(2) If an individual needs assistance in making the request for reasonable accommodation, the City will provide assistance to ensure that the process is accessible.

(3) A reasonable accommodation shall not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.

(4) Any information which relates to the applicant's disability or handicap and is identified by the applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.

(5) An application for a reasonable accommodation under this section shall be submitted to the City Clerk who will forward copies of the request to the Director of Development Services. No filing fee shall be required for such application.

(e) *Application Review.*

(1) *Review Authority.* A request for a reasonable accommodation shall be reviewed, and a determination shall be made, by the Board of Adjustment.

(2) *Action and Procedures of the Board of Adjustment.*

(a) Upon receiving a complete application, the Board of Adjustment shall hold a quasi-judicial hearing on the proposed reasonable accommodation

within sixty (60) days, unless this requirement is waived by the applicant. Notice of the hearing shall be provided in accordance with the provisions of Section 7-5-20 of this chapter. The hearing shall be conducted in accordance with the rules of procedure of the Board of Adjustment and in accordance with the North Carolina General Statutes.

(b) In considering the application, the Board of Adjustment shall review the application materials, the standards set forth in this Section, and all testimony and evidence received by the Board of Adjustment at the quasi-judicial hearing.

(c) After conducting the hearing, the Board of Adjustment may:

i. Grant the application. The concurring vote of a majority of the Board of Adjustment shall be necessary to grant a reasonable accommodation; or

ii. Deny the application.

Any approval or denial of the request shall be accompanied by written findings of fact and conclusions of law determining that the request for reasonable accommodation meets or does not meet each of the standards set forth in subsection (e)(3) below. The written decision shall be signed by the Chair or other duly authorized member of the Board. The decision is effective upon filing the written decision with the secretary to the Board.

(3) *Standard of Review.* The Board of Adjustment shall grant an exception or modification to any provision of this ordinance as a reasonable accommodation under federal law if the Board finds, based on the competent, material and substantial evidence, that the proposed accommodation:

(a) Will be used by an individual or individuals with a disability or handicap protected under federal law;

(b) Is "reasonable." An accommodation will be determined to be reasonable if it would not undermine the legitimate purposes and effects of existing zoning regulations, and if it will not impose significant financial and administrative burdens upon the City and/or constitute a substantial or fundamental alteration of the City's ordinance provisions; and

(c) Is "necessary." An accommodation will be determined to be necessary if it would provide direct or meaningful therapeutic amelioration of the affects of the particular disability or handicap, and would afford handicapped or disabled persons equal opportunity to enjoy and use housing in residential districts in the City.

(4) *Decision.* The Board of Adjustment shall issue a written decision on a request for reasonable accommodation within sixty (60) days of the date of the quasi-judicial hearing.

(5) *Appeals.* Any appeal from the decision of the Board of Adjustment may be made by an aggrieved party and shall be made to the Superior Court of Buncombe County in the nature of certiorari in accordance with the procedures and requirements set forth in N.C. Gen. Stat. §§ 160A-388 and 160A-393.

d. Section 7-16-1(31) is amended as follows:

Section 7-16-1(31).

(31) *Family care homes.*

a. Use districts: All residential districts including Urban Residential.

b. Parking shall not be located in any required setback other than that which would occur on a driveway.

c. Family care homes shall be spaced a minimum of 600 feet from all other family care homes as measured from the closest property line of each property containing a family care home.

Section 2: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3: All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4: This ordinance will become effective upon adoption.

Read, approved, and adopted this 14th day of April, 2015.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

423

ORDINANCE NO. 4404

ORDINANCE ADOPTING THE FISCAL YEAR 2015-16 FEES & CHARGES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the attached Fiscal Year 2015-16 fees and charges, attached to and made a part of this ordinance, be adopted.

That this ordinance shall be in full force and effect upon July 1, 2015.

Read, approved and adopted this 14th day of April, 2015.

Magdalen Bowlson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

Item or Service	Current Fee	Proposed New Fee	Additional Revenue
General Fund			
Economic Development			
Real Estate Transaction Fee	$170.00	$270.00	$300.00
Special Event Application Fees	$25 all events		
General Event (<1000 total attendance)		$50.00	$2,850.00
General Event (=/>1000 total attendance)		$100.00	$1,875.00
Race, Run Walk (=/<5K distance)		$50.00	$800.00
Race, Run Walk (over 5K distance)		$75.00	$350.00
Parade		$100.00	$150.00
Commercial Filming/Photography		$50.00	$425.00
Neighborhood Block Party (single block, local residential st., includes 4 barriers)		$50.00	$0.00
*Late Application (General Events, Race/Run/Walks/Parades)		$150.00	$0.00
*Late Applications (Neighborhood Block Parties, Commercial Filming & Photography)		$25.00	$0.00
*Additional late fees may be charged for applications received after the application deadline.			
Fire			
Carbon Monoxide Detector Inspection (B&B's)	$0.00	$25.00	$2,000.00

Item or Service	Current Fee	Proposed New Fee	Additional Revenue
Development Services			
Board of Adjustment: Variance Requests (Zoning and Signage)	$200 (all petitions) plus $50 for each additional variance	Zoning Variances: $200 (all petitions) plus $50 for each additional variance Sign Variances: $400 (all petitions) plus $50 for each additional variance	$800.00
Residential Renovation/Remodel	$475.00	$325.00	($50,000.00)
Pre-Application Meeting Fee	None	$40 per discipline, per hour (minimum one hour). Fee may be waived or reduced by DSD Director	$10,000.00
TCO & TCC Site Inspection and Reinspection Fee	$75 per Department without final inspection Public Works Development Services Department Water Department Fire Department	$75 per trade Zoning Building Mechanical Electrical Plumbing Stormwater/Grading-EC Flood Water Department Fire Department $75 Reinspection per trade for failed TCOs and TCCs	$30,000.00

Item or Service	Current Fee	Proposed New Fee	Additional Revenue
Public Works			
Sidewalk Cleaning	$80 per hour	Actual expense (Contractor and Inspector)	$0.00

Water Fund			
Utility Charges (per Ccf)			
Single Family Residential	$3.87	$3.93	
Irrigation	$4.08	$4.28	
Multi-Family Residential	$3.27	$3.32	
Commercial (</= 1,000 CCF monthly)	$3.27	$3.32	
Commercial (> 1,000 CCF monthly)	$1.80	$1.86	
Commercial (</= 2,000 CCF bimonthly)	$3.27	$3.32	
Commercial (> 2,000 CCF bimonthly)	$1.80	$1.86	
Manufacturer (</= 1,000 CCF monthly)	$3.27	$3.32	
Manufacturer (> 1,000 CCF monthly)	$1.75	$1.81	
Manufacturer (</= 2,000 CCF bimonthly)	$3.27	$3.32	
Manufacturer (> 2,000 CCF bimonthly)	$1.75	$1.81	
Wholesale	$1.03	$1.08	$367,353.00
Capital Improvement Fee (per meter size monthly)			
5/8 inch	$3.92	$3.97	
3/4 inch	$4.48	$4.55	
1 inch	$53.74	$54.54	
1 1/2 inch	$89.56	$90.90	
2 inch	$156.72	$159.08	
3 inch	$492.56	$499.95	
4 inch	$861.99	$874.92	
6 inch	$1,108.27	$1,124.89	
8 inch	$1,354.55	$1,374.87	
10 inch	$1,600.83	$1,624.85	$97,777.00

Item or Service	Current Fee	Proposed New Fee	Additional Revenue
Stormwater Fund			
Stormwater Monthly Utility Fee			$239,000.00
Single Family Properties	225-2000 Sq Ft: $2.50/mo.	225-2000 Sq Ft: $2.63/mo.	
	2001-4000 Sq. Ft: $4.00/mo.	2001-4000 Sq. Ft: $4.20/mo.	
	>4001 Sq. Ft: $5.50/mo.	>4001 Sq. Ft: $5.78/mo.	
Non-Single Family Properties	$4.00 per ERU/mo.	$4.20 per ERU/mo.	
Flood Application	Floodfringe $200 per application	Floodfringe $200 per application	
	Floodway $500 per application	Floodway $500 per application	
		Certificate of Occupancy only $75 per application	$600.00
Transit Fund			
Downtown Fare Free Zone	Free	Eliminate (charge regular fare)	$0.00
Road Closure Impacts on Transit	$100 for each non-city sponsored event or construction project that requiring a detouring that cause the notification of passengers ahead of time, plus $20 per four bus-stops not being served due to the detour.	Same but add $50 per bus-stop sign that must be moved due to the detour.	$200.00

ORDINANCE NO. 4405

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

WHEREAS, on April 14, 2015 City Council adopted fees adjustments which included the elimination of Downtown Fare-Free Zone by Ordinance 4404; and

WHEREAS, is in the best interest of the City to allow further review and evaluation of this program, including public outreach.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council rescinds the elimination of the Downtown Fare-Free Zone, which will allow further review and evaluation of this program.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 28th day of April 2015.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

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ORDINANCE NO. 4406

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 28th day of April 2015.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

Brian Clegg
City Attorney

PURPOSE: Budget amendment to transfer one-half of revenues and expenses for the accounting of a fixed asset.

Magdalen Bowlson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date: 4/28/2015
2. Fiscal Year: 2014-15

3. Amendment to Operating _x___ and/or Capital Project ____ appropriation.

Public Works — 4/28/2015
4. Requesting Department — 5. Today's Date — 6. Department Head Signature

7. Comments/Purpose: to transfer 1/2 of the expense of a shared General/Enterprise Fund vehicle

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
62200314-492000	$100,000.00		$86,810.00	($13,190.00)
41000231-493151-G1501	$250,000.00		$263,190.00	$13,190.00
Expense:				
62200314-614101	$100,000.00		$86,810.00	($13,190.00)
41000231-614101-G1501	$250,000.00		$263,190.00	$13,190.00
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

ORDINANCE NO. 4407

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 28nd day of April, 2015.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Budget amendment to increase the budget with funds received from Humana for materials and supplies for the 2015 Asheville Buncombe Senior Games.

Magdalen Bowleson
City Clerk

City of Asheville

Budget Amendment Details

1. Effective Date: 4/28/2015

2. Fiscal Year: 2014-15

3. Amendment to Operating __X__ and/or Capital Project ___ appropriation.

4. Requesting Department	5. Today's Date	6. Preparer's Name
Parks & Recreation	4/20/2015	Debbie Ivester

7. Comments/Purpose:

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Private Donation			$0	
R7008307 483300 R0943	$12,187	$1,000	$13,187	$1,000
			$0	
Expenditures:			$0	
Transfer to General Fund			$0	
22090800: 800110 R0943	$73,062	$5,000	$74,062	$1,000
			$0	
			$0	
			$0	
Revenue:			$0	
Operating Transfer Grant Fund			$0	
110900803: 498200	$7,200	$5,000	$8,200	$1,000
			$0	
Expenditures:			$0	
Supplies Other			$0	
11008307: 524001	$6,937	$272	$7,937	$1,000
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
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			$0	
			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

433

ORDINANCE NO. 4408

ORDINANCE AMENDING THE SIGN PACKAGE FOR 800 BREVARD ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, following a public hearing held on April 28, 2015, the Asheville City Council determined that it is in the interest of the City to amend the comprehensive sign package for the proposed Asheville Outlets at 800 Brevard Road;

WHEREAS, this proposed amendment is determined to be reasonable and in the public interest as it:

a) Addresses a unique need and context for signage at a particular development site.
b) Provides enhanced directional and entrance identification promoting safer way-finding to and around the site.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The sign package attached hereto as Exhibit A be approved as the official sign regulations for the site at 800 Brevard Road.

Section 2. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. The ordinance shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. This ordinance is effective upon adoption.

Read, approved, and adopted this 28th day of April, 2015.

Magdalen Bullion
City Clerk

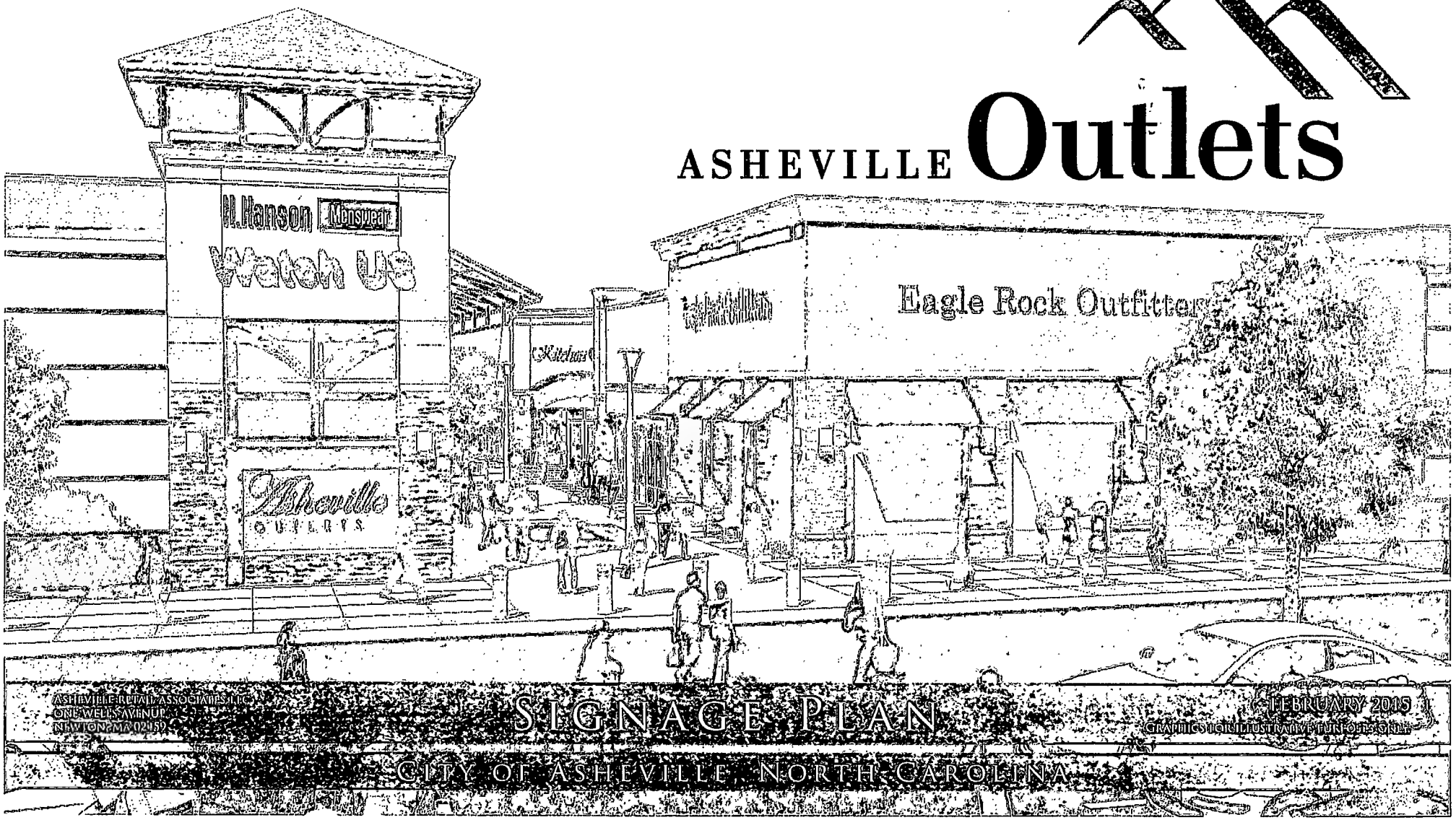
Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

ASHEVILLE Outlets



SIGNAGE PLAN

CITY OF ASHEVILLE, NORTH CAROLINA

FEBRUARY 2015

GRAPHICS ILLUSTRATIVE INTENTION

ASHEVILLE RETAIL ASSOCIATES, LLC
ONE WELLS AVENUE
NEWTON, MA 02459

Exhibit A

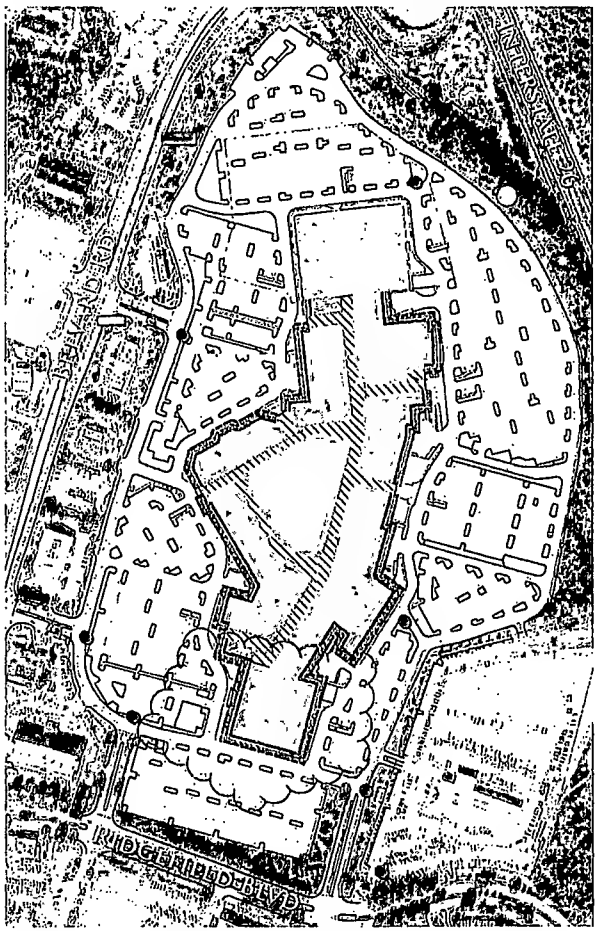
434

SIGNAGE LOCATION MAP 1
SIGNAGE PLAN INTRODUCTION 2
SIGN TYPE 1 FREESTANDING DEVELOPMENT IDENTIFICATION DIRECTIONAL POLE SIGN 4
SIGN TYPE 2 FREESTANDING DEVELOPMENT IDENTIFICATION DIRECTIONAL GROUND SIGN 6
SIGN TYPE 3 FREESTANDING JOINT IDENTIFICATION GROUND SIGN 8
SIGN TYPE 4 FREESTANDING DEVELOPMENT IDENTIFICATION GROUND SIGN 10
SIGN TYPE 5 DEVELOPMENT AND TENANT IDENTIFICATION ATTACHED SIGNS 12
(WALL, PROJECTING, WINDOW, AWNING AND CANOPY)
SIGN TYPE 6 BANNERS 14
SIGN TYPE 7 VEHICULAR DIRECTIONAL SIGNS 16
SIGN TYPE 8 PARKING AREA LOCATION SIGNS 18
SIGN TYPE 9 SERVICE DOOR IDENTITY SIGNS 20
SIGNAGE ANALYSIS 21

Asheville Outlets

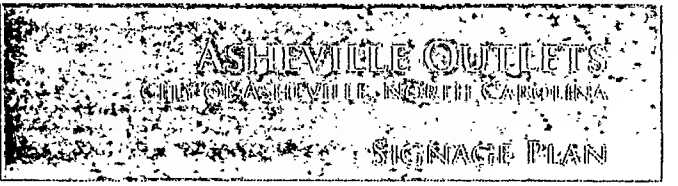
City of Asheville, North Carolina

Signage Plan



Signage Location Map

)	Sign Type 1	Freestanding Development Identification Directional Pole Sign
▭	Sign Type 2	Freestanding Development Identification Directional Ground Sign
▭	Sign Type 3	Freestanding Joint Identification Ground Sign
▬	Sign Type 4	Freestanding Development Identification Ground Sign
.....	Sign Type 5	Development and Tenant Identification Attached Signs (Wall, Projecting, Window, Awning and Canopy)
—	Sign Type 6	Banners
●	Sign Type 7	Vehicular Directional Signs
	Sign Type 8	Parking Area Location Signs (locations to be determined)
—	Sign Type 9	Service Door Identity Signs
▨		Internal Pedestrian Corridor



SIGNAGE PLAN INTRODUCTION

Located east of Brevard Road, west of Interstate 26, north of Ridgefield Boulevard and comprised of 44 acres, Biltmore Square Mall was originally developed in 1989 as an indoor regional mall anchored by Hess and Proffitt's (most recently Belk and Dillard's, respectively). The almost half million square foot mall was largely successful during the 1990's but experienced a decline in occupancy over the past decade as newer, pedestrian-oriented outdoor shopping venues were developed in the area. Today, there are only a handful of tenants operating at the mall. New England Development and Tremont Realty Capital are redeveloping the property and plan to transform the underutilized Biltmore Square Mall into a vibrant, rebranded development to be known as Asheville Outlets. The transformation of the Mall will most notably include the removal of portions of the roof to create outdoor pedestrian-oriented corridors, the amenitization of the pedestrian corridors with benches, lighting and landscaping, and the rebranding of the property through an effective use of architecture and signage. **Recently, the former Belk building and parcel, comprised of approximately 9 acres, has also been acquired and made part of the Asheville Outlets development. The signage for the former Belk building is the subject of this amendment.**

As an outlet center, it is anticipated that the development's mix of retail, restaurant and other commercial uses will attract tourists and customers from Buncombe County and the surrounding communities, providing a regional attraction to the City. As permitted by Section 7-13-10 of the City of Asheville ("City") Unified Development Ordinance ("UDO"), the applicant is presenting the Asheville Outlets Signage Plan ("Signage Plan") to allow creativity in sign design and sign placement. The Signage Plan presented herein is a comprehensive sign program that includes nine (9) Sign Types, to be generally located as illustrated on the Signage Location Map on Page 1. Much of the proposed signage replaces existing outdated signage located on the property. Collectively, the proposed signage promotes wayfinding, fosters the rebranding of the property, and establishes a sense of place within a dynamic outlet development.

The development enjoys frontage on three roadways - Interstate 26, Brevard Road and Ridgefield Boulevard. However, the existing conditions severely limit the visibility of the development from these roadways. The development is essentially located in a "bowl" as it is sited 10 to 50 feet lower than the surrounding roadways. In addition, the site is separated from Interstate 26 by thick foliage and from Brevard Road and Ridgefield Boulevard by multiple outparcels and vegetation. Limited visibility can prove to not only be detrimental to the viability of a commercial development, but can create dangerous conditions as visitors attempt to navigate to an unfamiliar site. In recognition of this, the Biltmore Square Mall has a series of wayfinding signs to safely direct the motorist to the site and safely direct the motorists once within the site. The Asheville Outlets Signage Plan proposes to renovate or replace all the Biltmore Square Mall wayfinding signs currently located adjacent to Interstate 26, Brevard Road and Ridgefield Boulevard, and within the Mall parking fields. These signs provide a series of markers which direct the visitor where to exit Interstate 26, where they can access the site once on Brevard Road or Ridgefield Boulevard, and guide them to the appropriate parking field to reach their intended retailer. Misdirected motorists reduce the efficiency of the surrounding roadways and can create unsafe traffic patterns. In addition to the replacement of the existing signs, the Signage Plan proposes an additional sign on Brevard Road to direct motorists from the north to which lane they need to be in to access the site, and proposes additional signs within the development to provide them with further direction to guide them to the appropriate parking fields to reach their intended retailer. The intent of these signs is to promote safe navigation to and within the site.

In addition to wayfinding, the Signage Plan presents an opportunity to promote a fresh, updated image for the dated development. The proposed signage for Asheville Outlets was carefully designed by Roll Barresi & Associates, a national, well-respected, graphic design studio, to reflect an updated image. As a unifying theme for the development, and as illustrated herein, the proposed signage utilizes the "Asheville Outlets logo", which is an image of a series of mountains echoing the surrounding Blue Ridge Mountains and the text "Asheville Outlets". The proposed signage reflects the local environment with the use of stone veneers and natural colors. The use of coordinated and consistent signage and images throughout the development promotes a fresh image and creates a sense of place.

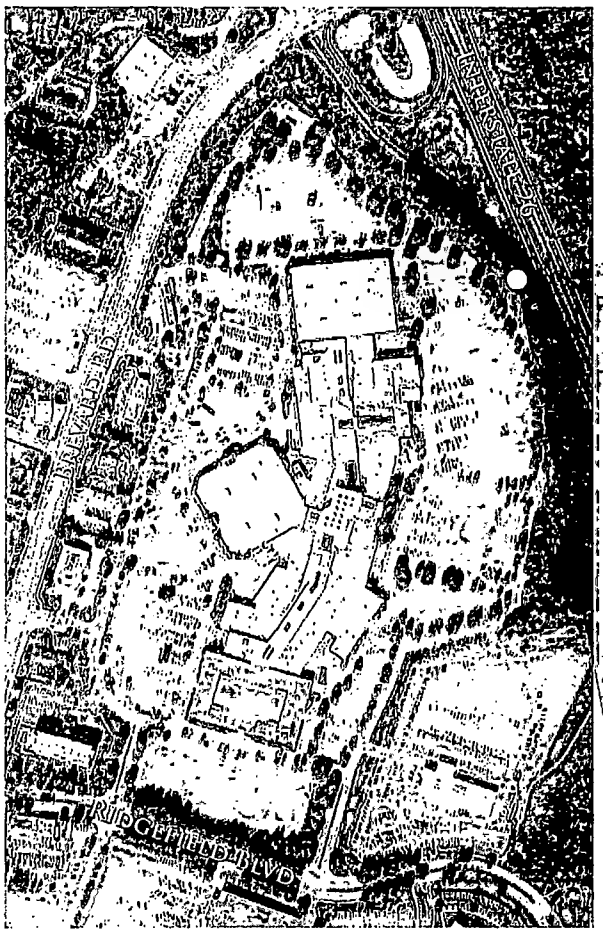
The Signage Plan acts as the regulatory framework for the signage at the Asheville Outlets; however, where the Signage Plan is silent, the signage will be consistent with the City of Asheville UDO. Specifically, signs permitted by right pursuant to Article XIII, Sec. 7-13-2 (c), Sec. 7-13-2 (d), and Sec. 7-13-4 (a) of the UDO shall be permitted. Unless otherwise permitted herein, signs prohibited by Article XIII, Sec. 7-13-3 of the UDO shall be prohibited. An analysis showing how the proposed signage differs from what could be provided under the existing UDO regulations is on Page 21.

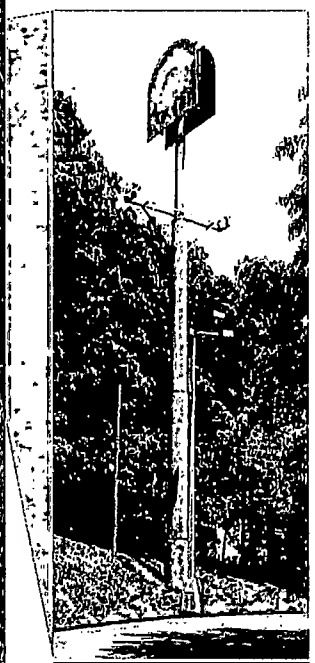
The graphics included herein are intended to illustrate the type of sign, basic dimensions and development logo; however, the sign design is subject to change. The specific design details such as panel dimensions, colors, materials, lettering style and logos for individual tenants, will be submitted as part of each Sign Permit. Tenant signage may be of any color, lettering style or logo. Signs located within internal pedestrian corridors or on façades facing internal pedestrian corridors, illustrated as hatched area on the Signage Location Map, shall not be regulated by the City.

ASHEVILLE OUTLETS

CITY OF ASHEVILLE, NORTH CAROLINA

SIGNAGE PLAN





EXISTING

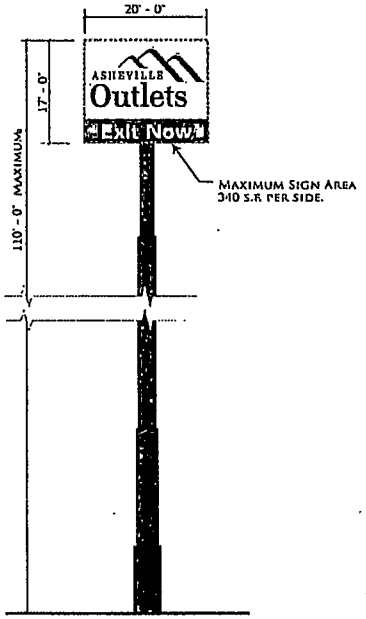
COLORS

- BLUE: PANTONE 7468
- BLACK:
- OFF-WHITE:
- DARK TAUPE:
- WHITE:

MATERIALS

FABRICATED ALUMINUM SIGN.
PAINTED FINISH. TRANSLUCENT ACRYLIC
INTERNALLY ILLUMINATED LETTERS/LOGOS.
REFURBISHED EXISTING POLE.
PAINTED FINISH.

TOP VIEW



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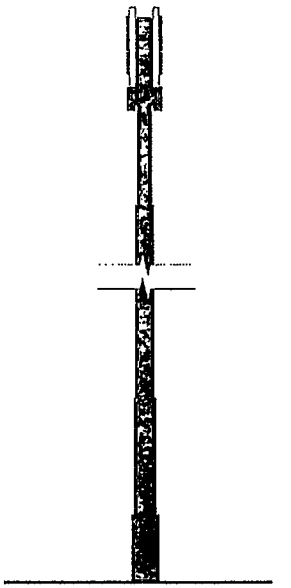


SIDE VIEW

PROPOSED

FEBRUARY 2014

SIGN TYPE 1 FREESTANDING DEVELOPMENT IDENTIFICATION DIRECTIONAL POLE SIGN

An existing Freestanding Development Identification Pole Sign 110 foot high containing 340 square feet of sign area per side is located adjacent to Interstate 26. The sign was constructed in 1994 and is being utilized by the current development and is illuminated with pole mounted spot lights. The height, sign area and lighting are non-conforming per Section 7-13-8 and Section 7-13-4 of the UDO.

While the development is sited lower than the Interstate 26 roadway, due to the dense foliage between the roadway and the property the development cannot be seen by motorists travelling on Interstate 26. The Freestanding Development Identification Pole Sign that rises above the foliage acts as advance directional signage providing motorists confirmation that they have reached their destination and providing them enough time to maneuver to the exit ramp. The Freestanding Development Identification Pole Sign is similar in design to others found near the intersection of Brevard Road and Interstate 26. The applicant is requesting to renovate or replace the existing sign. The proposed Freestanding Development Identification Directional Pole Sign is consistent in sign area with the existing sign but utilizes the new identity of the development. To promote dark skies the sign is redesigned to replace the pole mounted spot lights with illuminated panels or faces, internally illuminated letters and/or compliant light sources.

REGULATORY REQUIREMENTS

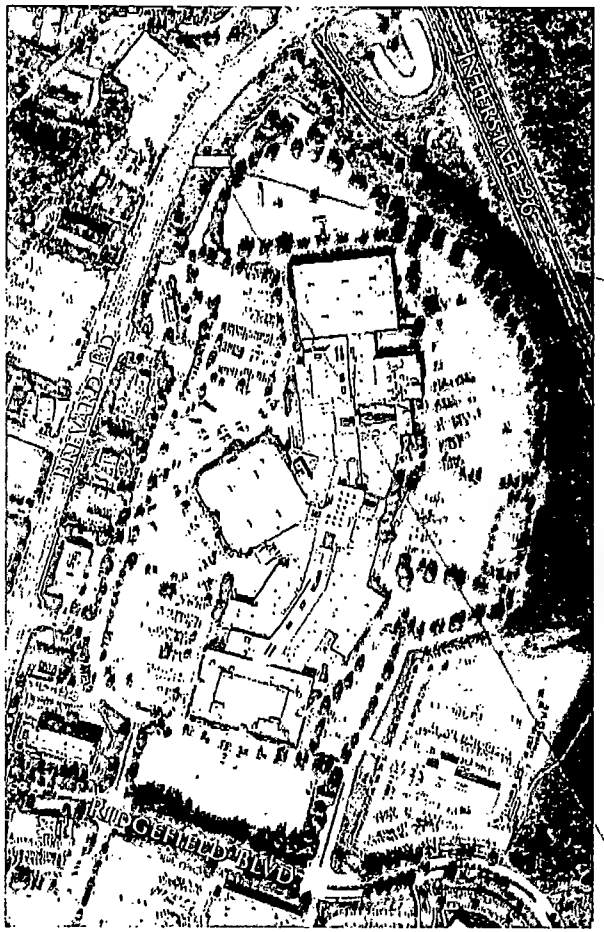
A Freestanding Development Identification Directional Pole Sign shall be permitted, as generally located on the Signage Location Map, provided the following conditions are met:

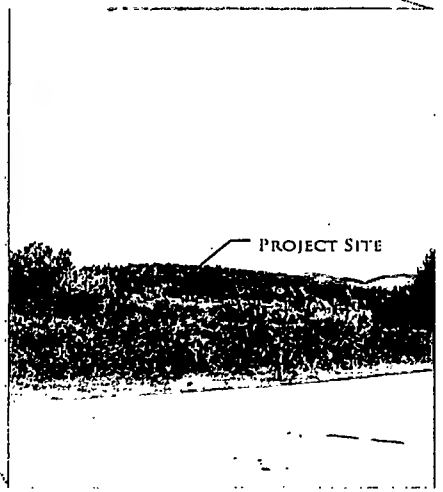
- Existing/Proposed Maximum Overall Height: 110 feet
- Existing/Proposed Maximum Sign Area per Side: 340 square feet
- Existing/Proposed Maximum Sides: 2 sides
- Existing/Proposed Minimum Distance from Curb Line: 85 feet
- Sign Content: May bear the name and/or logo of the development, and directional signage including text and symbols.
- Sign Illumination: If illuminated, the sign may only include internally illuminated panels or faces, internally illuminated letters and/or compliant light sources.

ASHEVILLE OUTLETS

CITY OF ASHEVILLE NORTH CAROLINA

SIGNAGE PLAN





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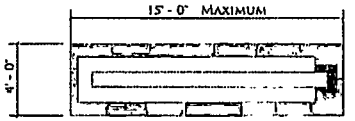


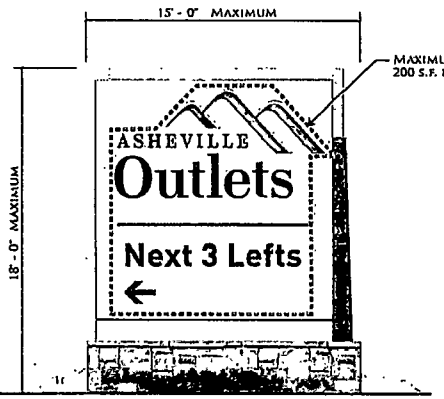
TOP VIEW

COLORS

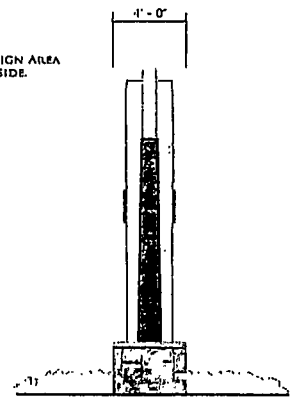
- BLUE: PANTONE 7-168
- BLACK:
- OFF-WHITE:
- TAN:
- BROWN:
- DARK TAUPE:
- WHITE:

MATERIALS

FABRICATED ALUMINUM SIGN, PAINTED FINISH, TRANSLUCENT ACRYLIC INTERNALLY ILLUMINATED LETTERS/LOGOS. STONE VENEER BASE.



ELEVATION



SIDE VIEW

PROPOSED

SIGN TYPE 2 FREESTANDING DEVELOPMENT IDENTIFICATION DIRECTIONAL GROUND SIGN

The proposed Freestanding Development Identification Directional Ground Sign meets the sign area, height, setback and content regulations of the UDO.

The development's primary frontage is Brevard Road, however due to change in topography and the presence of multiple outparcels and vegetation between Brevard Road and the development, the development has limited visibility from Brevard Road. There is a berm of significant height from the site's northern extent to the first vehicular access point on Brevard Road which impedes any view of the development from Brevard Road. It is expected that the new development will attract tourists and customers from surrounding communities that will generally use Interstate 26 to access the site. A Freestanding Development Identification Directional Ground Sign will be located on the berm perpendicular to the motorist's line of sight and will indicate that the development is located at the "next three lefts". The sign acts as advance directional signage to motorists exiting Interstate 26 by confirming they have reached their destination and providing them enough time to maneuver into the left-hand turn lane, which is only approximately 0.10 miles (500 feet) from the Interstate 26/Brevard Road intersection. The intent of this sign is to aid the motorist in the safe navigation to the site.

REGULATORY REQUIREMENTS

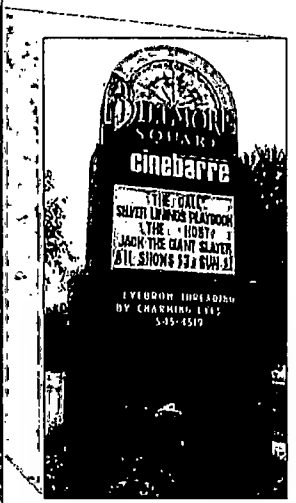
A Freestanding Development Identification Directional Ground Sign shall be permitted as generally located on the Signage Location Map, provided the following conditions are met:

- Maximum Height: 18 feet
- Maximum Width: 15 feet
- Maximum Sign Area per Side: 200 square feet
- Maximum Sides: 2 sides
- Minimum Distance from Curb Line: 15 feet
- Sign Content: May bear the name and/or logo of the development and may contain directional signage including text and symbols.
- Sign Illumination: The sign may include internally illuminated panels or faces, internally illuminated letters, pin-mounted halo-lit letters and/or compliant light sources.

ASHEVILLE OUTLETS

CITY OF ASHEVILLE NORTH CAROLINA

SIGNAGE PLAN



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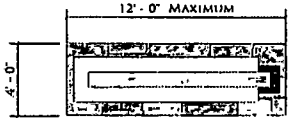
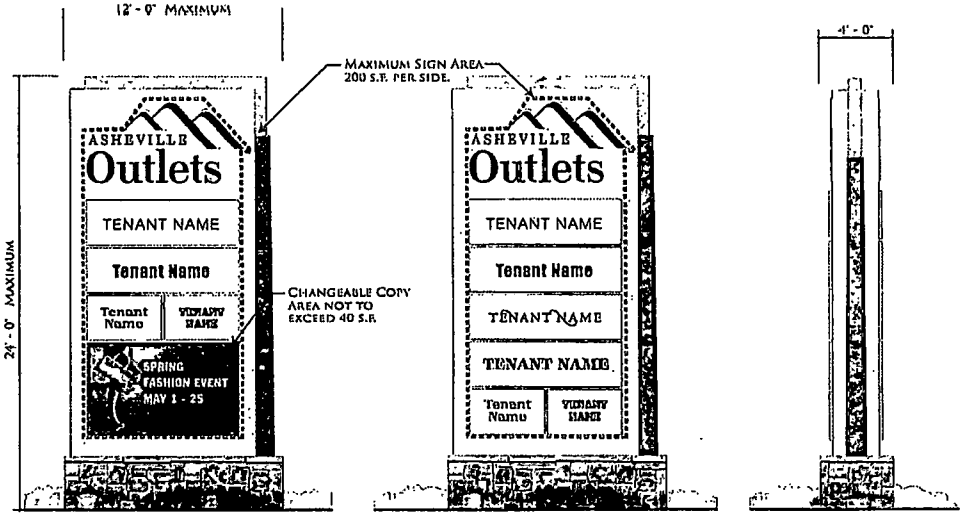


TOP VIEW



ELEVATION - WITH CHANGEABLE COPY

ELEVATION - WITHOUT CHANGEABLE COPY

SIDE VIEW

PROPOSED

COLORS

- BLUE: PANTONE 7468
- BLACK:
- OFF-WHITE:
- TAN:
- BROWN:
- DARK TAUPE:

MATERIALS

FABRICATED ALUMINUM SIGN. PAINTED FINISH. TRANSLUCENT ACRYLIC INTERNALLY ILLUMINATED LETTERS/LOGOS. STONE VENEER BASE.

SIGN TYPE 3 FREESTANDING JOINT IDENTIFICATION GROUND SIGN

An existing Freestanding Joint Identification Ground Sign 27 feet in height, containing 207 square feet of sign area per side inclusive of Changeable Copy is setback 30 feet from the Brevard Road curb line. The sign identifies the development and is being utilized by current mall tenants. The existing Freestanding Joint Identification Ground Sign is non-conforming in sign area and height.

The Freestanding Joint Identification Ground Sign is located at the primary entrance to the site and acts as the main development and tenant identification sign. The applicant shall be permitted to renovate or replace the existing sign provided the sign is reduced from 27 feet to a maximum of 24 feet high, while the UDO allows a sign 25 feet high. The sign area is reduced from 207 square feet to a maximum of 200 square feet to be in conformance with the UDO.

REGULATORY REQUIREMENTS

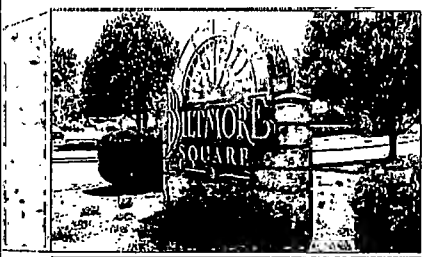
A Freestanding Joint Identification Ground Sign shall be permitted, as generally located on the Signage Location Map, provided the following conditions are met:

- Proposed Maximum Height: 24 feet (27 feet existing)
- Existing/Proposed Maximum Width: 12 feet
- Proposed Maximum Sign Area per Side: 200 square feet, inclusive of changeable copy, if provided
- Existing/Proposed Maximum Sides: 2 sides
- Existing/Proposed Minimum Distance from Curb Line: 30 feet
- Sign Content: May bear the name and/or logo of the development and/or name and/or logo of individual tenants located within the development. Changeable copy, if provided, may include copy text and graphics, but may not include the time, date or temperature. The Changeable Copy area may not exceed 40 square feet. Changeable copy, if provided, shall remain static for a minimum of four hours.
- Proposed Maximum Tenant Panels per Side: 6 tenant panels per side with varying sign area dimensions.
- Sign Illumination: The sign may include internally illuminated panels or faces, internally illuminated letters, pin-mounted halo-lit letters and/or compliant light sources. Changeable copy, if provided, will be LED and will meet the criteria outlined in Sec. 7-13-4 a. (14) of the City of Asheville UDO.

ASHEVILLE OUTLETS

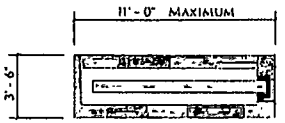
CITY OF ASHEVILLE, NORTH CAROLINA

SIGNAGE PLAN

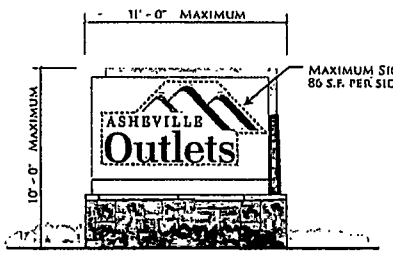


EXISTING ON RIDGEFIELD BLVD.

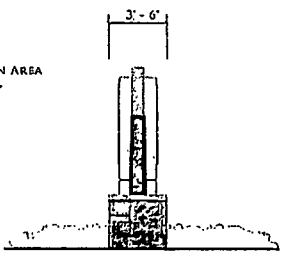
EXISTING ON BREVARD RD.



TOP VIEW



ELEVATION



SIDE VIEW

COLORS

- BLUE: PANTONE 7468
- BLACK:
- OFF-WHITE:
- TAN:
- BROWN:
- DARK TAUPE:

MATERIALS

FABRICATED ALUMINUM SIGN. PAINTED FINISH. TRANSLUCENT ACRYLIC INTERNALLY ILLUMINATED LETTERS/LOGOS. STONE VENEER BASE.

PROPOSED

FEBRUARY 2013

SIGN TYPE 4 FREESTANDING DEVELOPMENT IDENTIFICATION GROUND SIGN

One (1) existing Freestanding Development Identification Ground Sign 11 feet in height, containing 86 square feet of sign area per side, is located adjacent to Brevard Road. One (1) existing identical Freestanding Development Identification Ground Sign is located adjacent to Ridgefield Boulevard. The signs are setback 21 feet and 17 feet from Brevard Road and Ridgefield Boulevard curb lines, respectively. The existing signs are in excess of the number of freestanding signs permissible for the site per the UDO.

The development has two (2) vehicular access points on Brevard Road and two (2) on Ridgefield Boulevard, however, due to a change in topography and the presence of multiple outparcels and vegetation between Brevard Road and the development, the development has limited visibility from Brevard Road or Ridgefield Boulevard. These smaller secondary signs with only the Development Identification are proposed to replace the existing signs at the southern access point on Brevard Road and the first access point on Ridgefield Boulevard to indicate to motorists that they can also access the site from these locations. The intent of these signs is to aid motorists in the safe navigation to the site. The proposed signs are consistent in sign area and width as the existing signs, and the sign height has been reduced from 11 feet to a maximum of 10 feet.

REGULATORY REQUIREMENTS

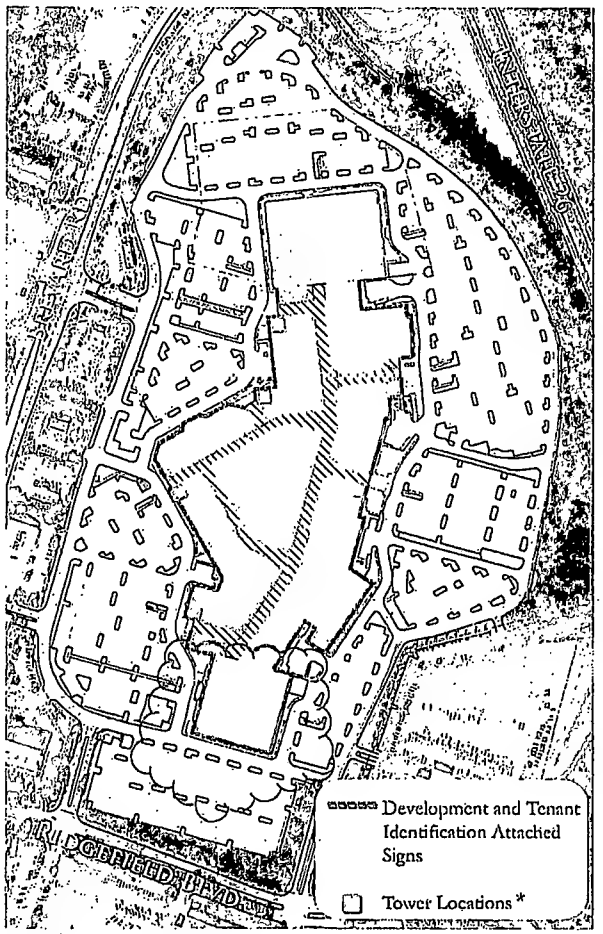
Freestanding Development Identification Ground Signs shall be permitted, as generally located on the Signage Location Map, provided the following conditions are met:

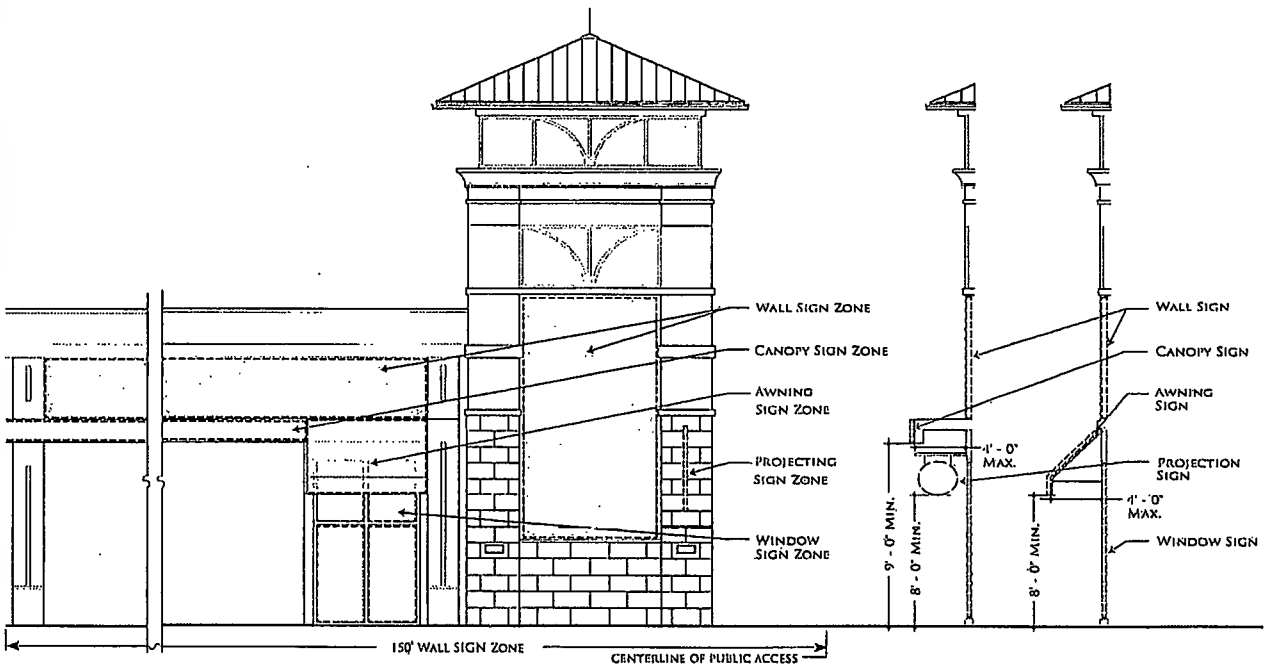
- Proposed Maximum Height: 10 feet (11 feet existing)
- Existing/Proposed Maximum Width: 11 feet
- Existing/Proposed Maximum Sign Area per Side: 86 square feet
- Existing/Proposed Maximum Sides: 2 sides
- Existing/Proposed Minimum Distance from Curb Line: 21 feet (Brevard Road), 17 feet (Ridgeway Boulevard)
- Sign Content: May bear the name and/or logo of the development.
- Sign Illumination: The signs may include internally illuminated panels or faces, internally illuminated letters, pin-mounted halo-lit letters and/or compliant light sources.

ASHEVILLE OUTLETS

CITY OF ASHEVILLE, NORTH CAROLINA

SIGNAGE PLAN





* Tower locations shown are approximate only. There may be additional or fewer public access points and there may be a tower on one or both sides of the public access point, however signage may only be on one tower per public access point.

PROPOSED

11 FEBRUARY 2015

SIGN TYPE 5 DEVELOPMENT AND TENANT IDENTIFICATION ATTACHED SIGNS (WALL, PROJECTING, WINDOW, AWNING AND CANOPY)

The transformed development will have several public access points to the outlet buildings (which excludes the former Dillard's - the north anchor), over 2,700 parking spaces in the parking fields surrounding the development, and approximately 75 tenants. As is typical for Outlet developments, the public access points will be punctuated by architectural features or towers which provide focal points and provide the visitor a visual clue to locate the access points. The entrance features and towers and adjacent façades provide an opportunity to provide wayfinding signage that will enhance the visitor's shopping experience. The applicant shall be permitted a total permissible sign area for Development and Tenant Identification Attached Signs to be equivalent to 1 square foot of signage for every 1 linear foot of outlet building façade. The UDO allows for 1 square foot of signage for every 1 linear foot of building façade for each frontage with a primary entrance. All public entrances to the outlet buildings are considered primary. However, the UDO limits the total sign area per façade to 200 square feet and limits each façade to one sign, which does not allow for wayfinding signage.

It should be noted that while the development has significant frontage on Brevard Road and Ridgefield Boulevard, due to change in topography and the presence of multiple outparcels and vegetation between Brevard Road and the development, the development and any façade signage have limited visibility from Brevard Road and Ridgefield Boulevard.

Signs located within internal pedestrian corridors or on façades facing internal pedestrian corridors, illustrated as hatched area on the Signage Location Map, shall not be regulated by the City.

REGULATORY REQUIREMENTS

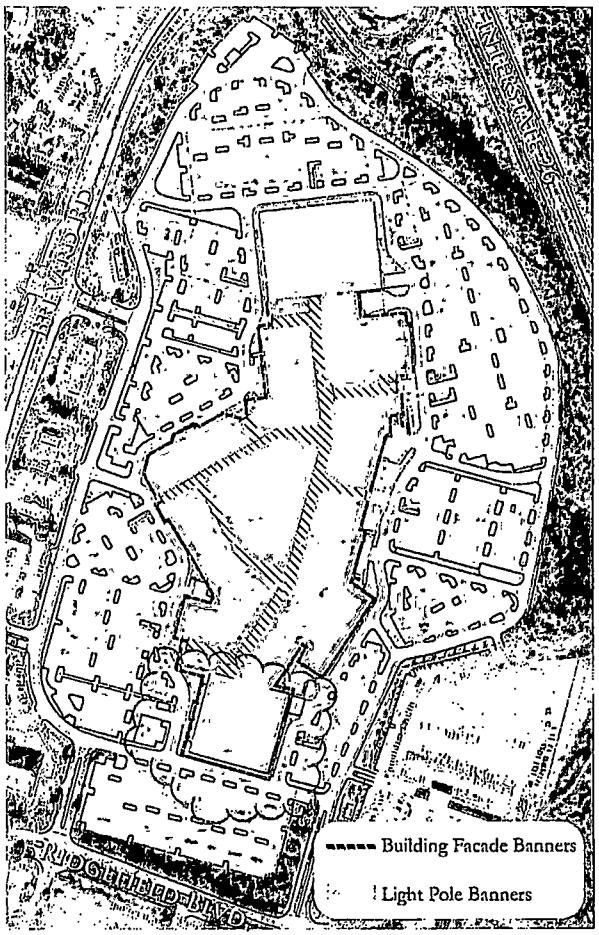
Development and Tenant Identification Attached Signs, including Wall, Projecting, Window, Awning and Canopy Signs, shall be permitted on the exterior facades of the development, including the façade of any towers, as generally located on the Signage Location Map, provided the following conditions are met:

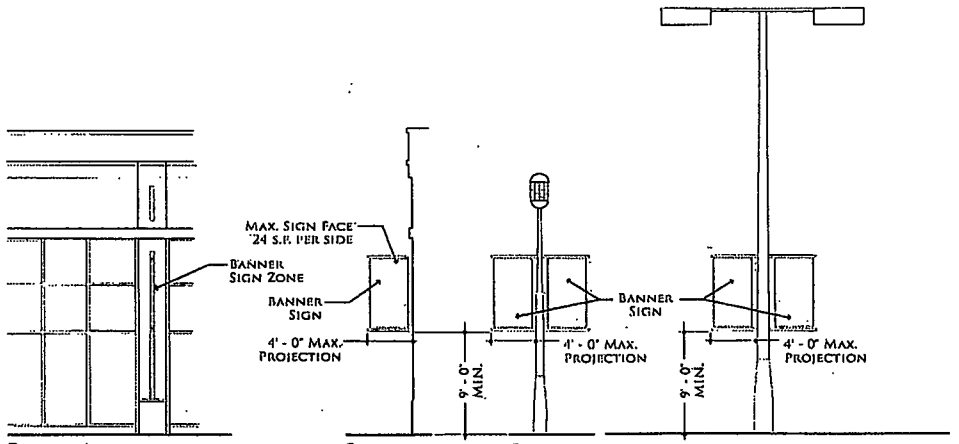
- Maximum Total Sign Area: One (1) square foot of sign area for every one (1) linear foot of exterior façade. The exterior façade linear distance shall be inclusive of all exterior building façades, excluding the façade of the northern commercial anchor (currently Dillard's), for purposes of calculation of the total permissible sign area, as generally illustrated on the Signage Location Map. Where there are screen walls, the linear façade calculation shall not include the linear distance of the screen wall.
- Sign Area Allocation: The total permissible sign area may be utilized in any proportion near each of the proposed public access points, provided that the total area of the attached signs does not exceed the total permissible sign area. The "public access points" are the points of public ingress/egress to the pedestrian corridors of the development or entrance of a building tennant with an extrior entrance.
- Signage Location: The permitted signage includes Wall, Projecting, Window, Awning and Canopy Signs. Development Identification and Tenant Identification signs shall be permitted within 150 feet of the centerline of public access points and shall be permitted to be located on all four (4) sides of any individual tower located at public access points. No signs on towers shall be permitted above 21 feet measured from the ground at the base of the tower. Tenant Identification signs shall be permitted within 50 feet of the entrance of an outlet building tenant with an exterior entrance.
- Sign Content: May bear the name and/or logo of individual tenants located within the development, and/or name and/or logo of the development.
- Minimum Clearance of Projecting, Awning or Canopy Sign Above Grade: 8 feet
- Maximum Projection of Wall Sign: 12 inches
- Maximum Projection of Projecting Sign: 4 feet
- Maximum Projection of Awning or Canopy Sign: 4 feet
- Sign Illumination: The signs may include internally illuminated panels or faces, internally illuminated letters, pin-mounted halo-lit letters and/or compliant light sources. Window Signs shall not be so illuminated.

ASHEVILLE OUTLETS

CITY OF ASHEVILLE, NORTH CAROLINA

SIGNAGE PLAN





PROPOSED

FEBRUARY 2015

SIGN TYPE 6 BANNERS

The proposed Banners meet the minimum and maximum sign area and minimum clearance regulations of the UDO. In most instances the Banners will be of a graphic or seasonal nature as permitted by the UDO. Banners shall also be permitted to contain development and tenant identification. The banners are proposed to enhance the visitor shopping experience by bringing decorative elements to the parking fields and pedestrian walkways. The banners also foster an updated identity for the development and a sense of place.

REGULATORY REQUIREMENTS

Permanent Banners shall be permitted on the exterior facades of the development and on parking lot and pedestrian sidewalk light poles at various locations within the development, provided the following conditions are met:

- Maximum Sign Area: 24 square feet per side
- Minimum Clearance Above Grade: 9 feet
- Maximum Projection: 4 feet
- Banner Content: Banners located on building facades may bear the name and/or logo of the development and/or name and/or logo of individual tenants located within the development, and/or may be of a graphic or seasonal nature. Banners located on light poles may not bear the name and/or logo of individual tenants located within the development but may bear the name and/or logo of the development and/or may be of a graphic or seasonal nature.

Banners on Light Poles

- Banner Location: Banners shall be permitted on all parking lot and pedestrian sidewalk light poles.
- Maximum Number: 20 Banners

Banners on Building Facade

- Banner Location: Banners shall be located with respect to building's architecture and shall not obscure windows. Banners shall not be permitted on any tower facades located above the parapet.
- Maximum Number: 20 Banners

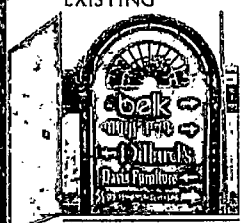
ASHEVILLE OUTLETS

CITY OF ASHEVILLE, NORTH CAROLINA

SIGNAGE PLAN

Vehicular Directional Signs

EXISTING



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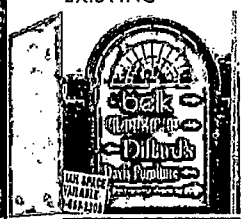
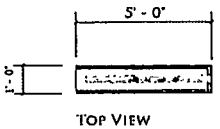
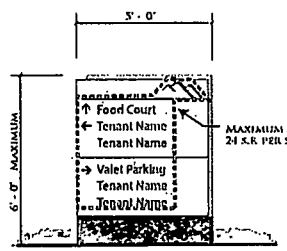


EXISTING

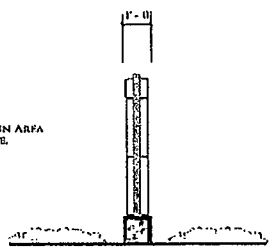
EXISTING



TOP VIEW



ELEVATION



SIDE VIEW

COLORS

- BLUE: PANTONE 7468
- BLACK
- OFF-WHITE
- TAN
- DARK TAUPE

MATERIALS

FABRICATED ALUMINUM SIGN. SIGN BASE AND DIMENSIONAL ALUMINUM LOGO. PAINTED FINISH.. VINYL ARROWS AND TEXT.

PROPOSED

15 FEBRUARY 2015

SIGN TYPE 7 VEHICULAR DIRECTIONAL SIGNS

Four (4) existing Vehicular Directional Signs eight (8) feet high with 27 square feet of sign area are located within the vehicular circulation areas of the existing development. The signs are being utilized by current tenants. The existing Vehicular Directional Signs are non-conforming in sign area and height. Four (4) directional signs with four (4) square feet per face, three (3) feet tall are permissible per the UDO.

As is typical in large commercial developments, Vehicular Directional Signs are located at decisions points to assure motorists that they are headed in the right direction and to foster safe vehicular navigation of the site. The allowances for Directional Signs in the UDO are not adequate to promote vehicular safety for a high-volume commercial development. The six (6) proposed Vehicular Directional Signs have been redesigned to be six (6) feet high with 24 square feet of sign area per side, which is a reduction from the existing eight (8) foot signs with 27 square feet of sign area per side.

REGULATORY REQUIREMENTS

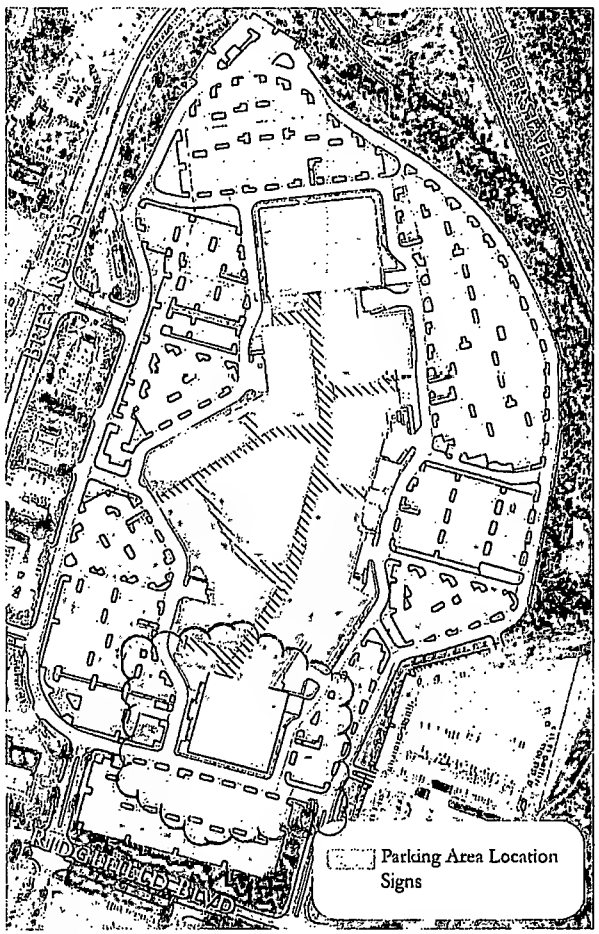
Vehicular Directional Signs, located at parking area internal access points and intersections, shall be permitted to provide easily identifiable directions to the various destinations within the development, provided the following conditions are met:

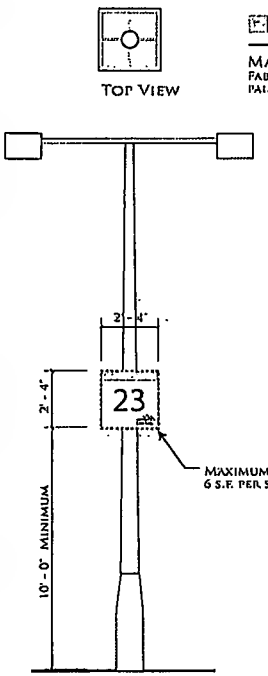
- Maximum Number: 6
- Maximum Height: 6 feet
- Maximum Sign Area per Side: 24 square feet
- Maximum Sides: 2 sides
- Sign Content: May bear only the name and/or logo of the development and/or name and/or logo of individual tenants located within the development and directional arrows.
- Sign Illumination: The signs may include internally illuminated panels or faces, internally illuminated letters, pin-mounted halo-lit letters and/or compliant light sources.

ASHEVILLE OUTLETS

CITY OF ASHEVILLE, NORTH CAROLINA

SIGNAGE PLAN





TOP VIEW

ELEVATION

PROPOSED

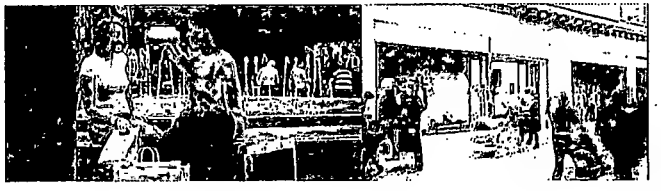
COLORS

- BLUE: PANTONE 7168
- BLACK:
- OFF-WHITE:
- TAN:

MATERIALS

FABRICATED ALUMINUM SIGN, PAINTED FINISH AND VINYL GRAPHICS

17 FEBRUARY 2015



SIGN TYPE 8 PARKING AREA LOCATION SIGNS

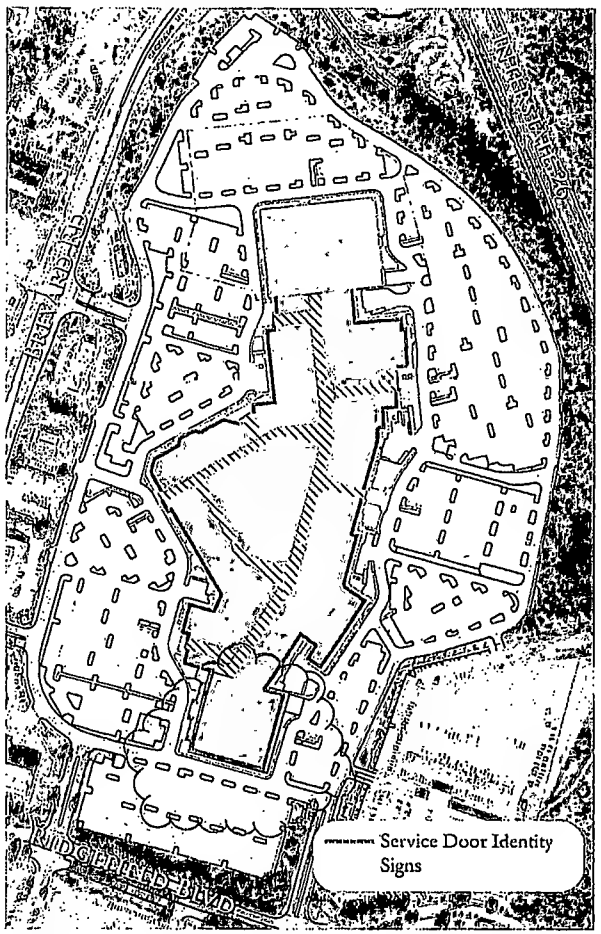
The configuration of the development creates several different parking fields. As is typical in large commercial developments with this type of configuration, Parking Area Location Signs will be located within the parking fields for the safety and convenience of visitors to the development. This type of sign is not contemplated in the UDO.

REGULATORY REQUIREMENTS

Parking Area Location Signs shall be permitted to provide a systematic designation of parking fields within the development, provided the following conditions are met:

- Maximum Sign Area per Side: 6 square feet
- Maximum Sides: 4 sides
- Minimum Clearance: 10 feet
- Sign Placement: Mounted on parking lot light poles.
- Sign Content: Shall bear text to distinguish parking areas and may bear the name and/or logo of the development.
- Sign Illumination: Parking Area Location Signs shall not be illuminated.

SIGN TYPE 9 SERVICE DOOR IDENTITY SIGNS



SIGN TYPE 9 SERVICE DOOR IDENTITY SIGNS

Exterior facing wall or door mounted signs on or near tenant rear service doors and on or near project ingress or egress corridor doors shall be permitted. These signs may include tenant names, space numbers, addresses, phone numbers, hours and similar information relevant to the use of the door or occupant, and include any text required by governmental authorities.

REGULATORY REQUIREMENTS

Service Door Identity Signs shall be permitted, provided the following conditions are met:

- Maximum Letter Height: 4 inches
- Maximum Number: 1 sign per service door
- Sign Illumination: Service Door Identity Signs shall not be illuminated.

ASHEVILLE OUTLETS
CITY OF ASHEVILLE, NORTH CAROLINA

SIGNAGE PLAN

QUANITY	PROPOSED SIGN DETAILS	ASHEVILLE SIGN CODE REGULATIONS
TYPE 1 - FREESTANDING DEVELOPMENT IDENTIFICATION POLE SIGN		
1	Overall Height - Max. 110 feet (existing - no change) Sign Area - Max. 340 sf per face (existing - no change) Setback - 85 ft (existing - no change)	Requested Sign is additional Identification Sign
TYPE 2 - FREESTANDING DEVELOPMENT IDENTIFICATION DIRECTIONAL GROUND SIGN		
1	Number of Signs - 1 Height - Max. 18 feet Sign Area - Max. 200 sf per face Setback - 15 ft	Requested Sign is permissible Identification Sign #1 Height - Max. 25 feet Sign Area - Max. 200 sf per face Setback - 15 ft
TYPE 3 - FREESTANDING JOINT IDENTIFICATION GROUND SIGN (EXISTING)		
1	Number of Signs - 1 Height - Max. 24 feet (27 feet existing) Sign Area - Max. 200 sf per face, inclusive of maximum 40 sf of changeable copy per face (207 sf per face inclusive of changeable copy existing) Setback - 30 ft (existing - no change) 2nd permissible identificaiton sign is freestanding.	Requested Sign is permissible Identification Sign #2 Height - Max. 25 feet Sign Area - Max. 200 sf per face Setback - 15 ft 2nd permissible Identification sign required to be attached sign.
TYPE 4 - FREESTANDING DEVELOPMENT IDENTIFICATION GROUND SIGNS (EXISTING)		
2	Height - Max. 10 ft (11 feet existing) Sign Area - Max. 86 sf per face (existing for both - no change) Setback - 21 feet (Brevard Road existing - no change) Setback - 17 feet (Ridgefield Blvd. existing - no change)	Requested Signs are additional Identification Signs
TYPE 5 - DEVELOPMENT AND TENANT IDENTIFICATION ATTACHED SIGNS (WALL, PROJECTING, WINDOW, AWNING, AND CANOPY)		
TBD	Total Sign Area - Max. 1 sf of signage per 1 linear foot of outlet building façade Sign Allocation - Sign Area utilized near each of the proposed outlet building public access points. Sign Location - Development Identification and Tenant Identification signs shall be permitted within 150 feet of the centerline of public access points and shall be permitted to be located on all four (4) sides of any individual tower located at public access points. Tenant Identification signs shall be permitted within 50 feet of the entrance of an outlet building tenant with an exterior entrance. Projection Wall Sign - Max. 12 inches Projection Projecting Sign - Max. 4 feet Clearance Projecting Sign - Min. 8 feet	Total Sign Area - Max. 1 sf of signage per 1 linear foot of façade, up to a maximum of 200 sf Sign Allocation - Not addressed in Code Sign Location - Sign must be located on the façade with the public entrance for that business. Projection Wall Sign - Max. 12 inches Projection Projecting Sign - Max. 3 feet Clearance Projecting Sign - Min. 8 feet

QUANITY	PROPOSED SIGN DETAILS	ASHEVILLE SIGN CODE REGULATIONS
TYPE 6 - BANNERS		
Max. 20 on building façade Max. 20 on light poles	Sign Area - Max. 24 sf Clearance - Min. 9 ft Design - Design and material of high quality but varies with season and/or tenant. Content - Banners located on building facades may bear the name and/or logo of the development and/or name and/or logo of individual tenants located within the development, and/or may be of a graphic or seasonal nature. Banners located on light poles may not bear the name and/or logo of individual tenants located within the development but may bear the name and/or logo of the development and/or may be of a graphic or seasonal nature.	Sign Area - Max 24 sf Clearance - Min. 9 ft Design - All consistent in design and material Content - May not contain a commercial advertising message, name or logo.
TYPE 7 - VEHICULAR DIRECTIONAL SIGNS (EXISTING)		
6	Number of signs - Max. 6 (4 signs existing) Height - Max. 6 ft (8 feet existing) Sign Area - Max. 24 sf per face (27 sf existing)	Number of signs - 4 Height - Max. 3 ft Sign Area - Max. 4 sf per face
TYPE 8 - PARKING AREA LOCATION SIGNS		
TBD	Height - Min. 10 ft clearance Sign Area - Max. 6 sf per face	Not addressed in Code
TYPE 9 - SERVICE DOOR IDENTITY SIGNS		
TBD	Letter Height - Max. 4 inches Number of Signs - 1 per door Sign Placement - On door or wall mounted near door.	Not addressed in Code

Intentionally Blank

459

ORDINANCE NO. 4409

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 12th day of May, 2015.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: South Lexington Utility Relocation Project

Magdalen Bullock
City Clerk

City of Asheville
Budget Amendment Details

1. Effective Date: 5/12/2015
2. Fiscal Year: 2014-15

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

4. Requesting Department	5. Today's Date	6. Preparer's Name
CPM	4/28/2015	

7. Comments/Purpose: To increase the amount of the South Lexington project by $30,000

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
2015 Facility Loan			$0	
41000412:494151:Q1511	$250,000.00	$250,000.00	$280,000	$30,000
			$0	
Expenditures:			$0	
Contracted Services			$0	
41000412:521001:Q1511	$250,000.00	$17,064.19	$280,000	$30,000
			$0	
			$0	
			$0	
Revenue:			$0	
			$0	
			$0	
			$0	
Expenditures:			$0	
			$0	
			$0	
			$0	
			$0	
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			$0	
			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:
By:
Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

461

ORDINANCE NO. 4410

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 12th day of May, 2015.

Magdalen Bullison
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Westover Drive Storm Drainage Improvements

Magdalen Bullison
City Clerk

City of Asheville

Budget Amendment Details

1. Effective Date: 5/12/2015

2. Fiscal Year: 2014-15

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

4. Requesting Department	5. Today's Date	6. Preparer's Name
Public Works	5/6/2015	

7. Comments/Purpose: Westover Road Storm Drainage Improvements Construction Project

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Oper Transfers from Strm Wtr			$0	
62590320:498624:S1403	$200,000	$0	$450,289	$250,289
			$0	
Expenditures:			$0	
Infrastructure			$0	
62500320:615101:S1403	$193,238	$193,238	$443,527	$250,289
			$0	
			$0	
			$0	
Revenue:			$0	
			$0	
			$0	
			$0	
Expenditures:			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
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			$0	
			$0	
			$0	
			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

463

ORDINANCE NO. 4411

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 12th day of May, 2015.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Technical adjustment to appropriate budget in the General Fund related to the Ferry Road land sale transaction.

Magdalen Bulleson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2014-15

3. Amendment to Operating _x___ and/or Capital Project ____ appropriation.

Finance	5/12/2015	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: technical amendment for Ferry Rd land transaction

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
General Fund				
Revenue:				
Intergovernmental				
11000060 43xxxx	$0.00	$0.00	$3,407,477.00	$3,407,477.00
Expenditures:				
Public Safety Contribution				
11000060 5xxxxx	$0.00	$0.00	$3,407,477.00	$3,407,477.00
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

ORDINANCE NO. 4412

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 99999 SARDIS ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City, and determined to be reasonable and in the public interest for the following reasons:

a) The project adds needed residential rental units to the City;
b) The project preserves a sensitive environmental area through the stream buffer; and
c) The project supports affordability of housing in the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

> The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9617.90-3637, recorded in Deed Book 4452, Page 288 and currently owned by Winston Salem Industries for the Blind from Industrial to Residential Multi-family High Density - Conditional Zoning District (RM-16 CZ). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1" and substantial compliance with the site plans shown in Exhibit "C", both attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity

of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 12th day of May, 2014.

Magdalen Burleson
City Clerk

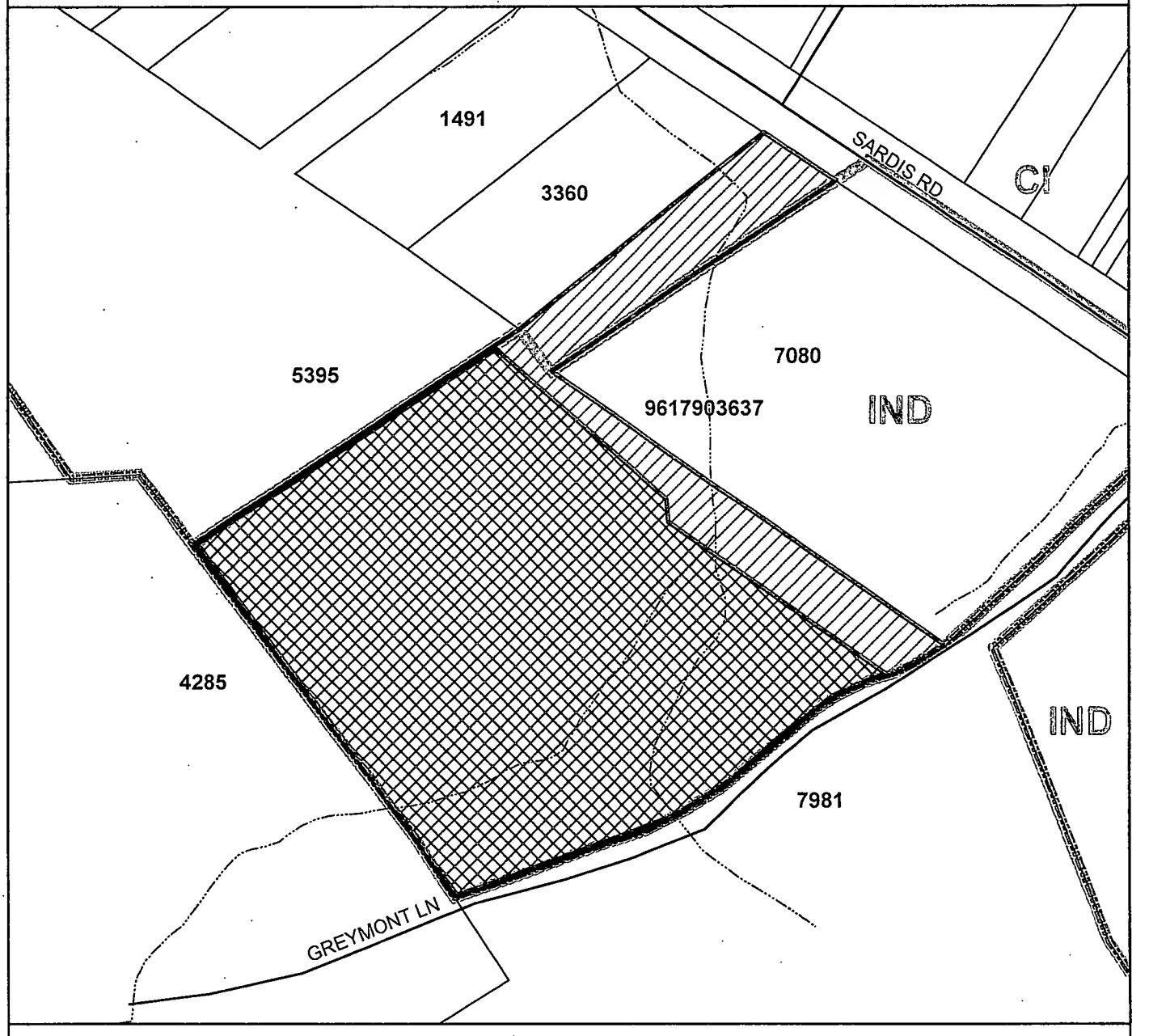
Esther E. Manheimer
Mayor

Approved as to form:

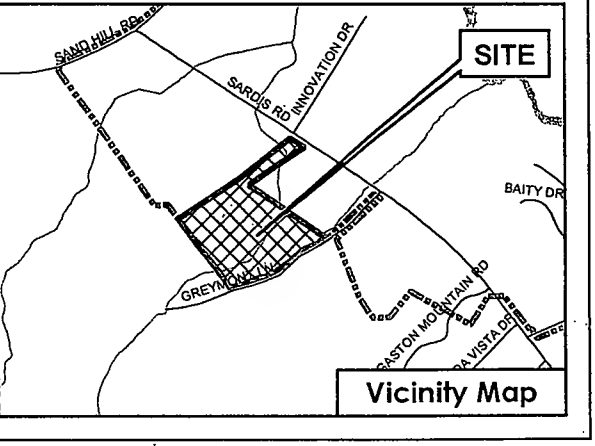
City Attorney

Magdalen Burleson
City Clerk

City of Asheville - Exhibit A Map
CZ - Greymont Village Apts Amendment



Project Name:	Greymont Village Apartments
Project Number:	14-08985PZ
Project Description:	108 apartments, 4 buildings
Petitioner(s):	Dennis H Burton
Parcel ID Number(s):	9617-90-3637
Location/Address:	Sardis Road



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Development Department - January 2015

EXHIBIT B.1
CONDITIONS for Greymont Village Apartments CZ

1. Approval is for a conditional zoning from Industrial to Residential Multi-family High Density District Conditional Zone (RM-16-CZ) for the construction of a 108-unit apartment complex contained in four buildings with 24 one-bedroom units, 60 two-bedroom units and 24 three-bedroom units.
2. All units will be offered at the workforce maximum or lower for a minimum period of five years. The workforce rent limits are according to income standards determined by the City of Asheville Community Development Department.
3. The Owner shall offer rental of units to employees of the Industries for the Blind at a discount of 5% from otherwise applicable rates, for a period of 5 years.
4. Access will be by a 45-foot easement or right-of-way following Greymont Lane as shown on plans. This easement or right-of-way will be constructed to City standards, including 20 feet of pavement, the installation of curb and gutter, and all other specifications as required by the City Transportation and Public Works Departments. The easement or right-of-way must specifically allow ingress and egress to and from the project site within the City's jurisdiction by residents, the public and all emergency and service vehicles, across the property located in the County's jurisdiction and as indicated on plans. If these requirements are met, the project will not be required to directly abut a City street or private street built to City standards.
5. There must be at least 192 parking spaces with a minimum of six accessible spaces and 10 bicycle parking spaces.
6. All site lighting must comply with the City's Lighting Standards (Section 7-11-10 of the Code of Ordinances). Proposed lighting plans must be submitted at Final TRC.
7. All landscaping must meet the minimum size requirements set forth in Section 7-11-3(f)(3) of the UDO. All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape and grading plans.
8. 60,517 square feet of open space is required and thirty-percent of the lot as tree save area. There is a 30-foot stream buffer in the open space area.
9. Retaining walls will comply with aesthetic treatments or landscaping as required in Section 7-10-5 of the UDO.
10. The building design, site design, construction materials, and orientation on site must substantially comply with the site plan attached hereto as Exhibit C and incorporated herein by reference and the final approved site plan that is incorporated into the zoning permit. Any major deviations from these plans will require reconsideration of the project as required by the UDO.
11. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.

GREYMONT VILLAGE APARTMENTS

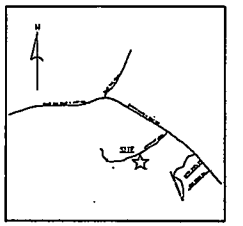
ASHEVILLE, NORTH CAROLINA

JUNE 25, 2014

PREPARED FOR:

GREYMONT VILLAGE APARTMENTS, LLC
PO BOX 9846
GREENSBORO, NC 27429
(336) 275-6198

INDEX OF SHEETS	
Sheet No.	Title
C0	COVER SHEET
C0.1	EXISTING CONDITIONS
C0.2	MASTER PLAN
C1	SITE PLAN
C2	GRADING, EROSION CONTROL, & STORM DRAINAGE PLAN
C3	UTILITY PLAN
C6	CONSTRUCTION STAGING PLAN
A2.0	BUILDING ELEVATIONS
A2.1	BUILDING ELEVATIONS



VICINITY MAP
(NOT TO SCALE)

811
Know what's below.
Call before you dig.

CIVIL DESIGN CONCEPTS, PA

NO.	DATE	DESCRIPTION	BY
1	10/24/14	DRC SUBMITTAL	JMS
2	01/14/14	2ND SUBMITTAL	JMS
3	02/20/14	REVISED P&Z SUBMITTAL	JMS

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 035467

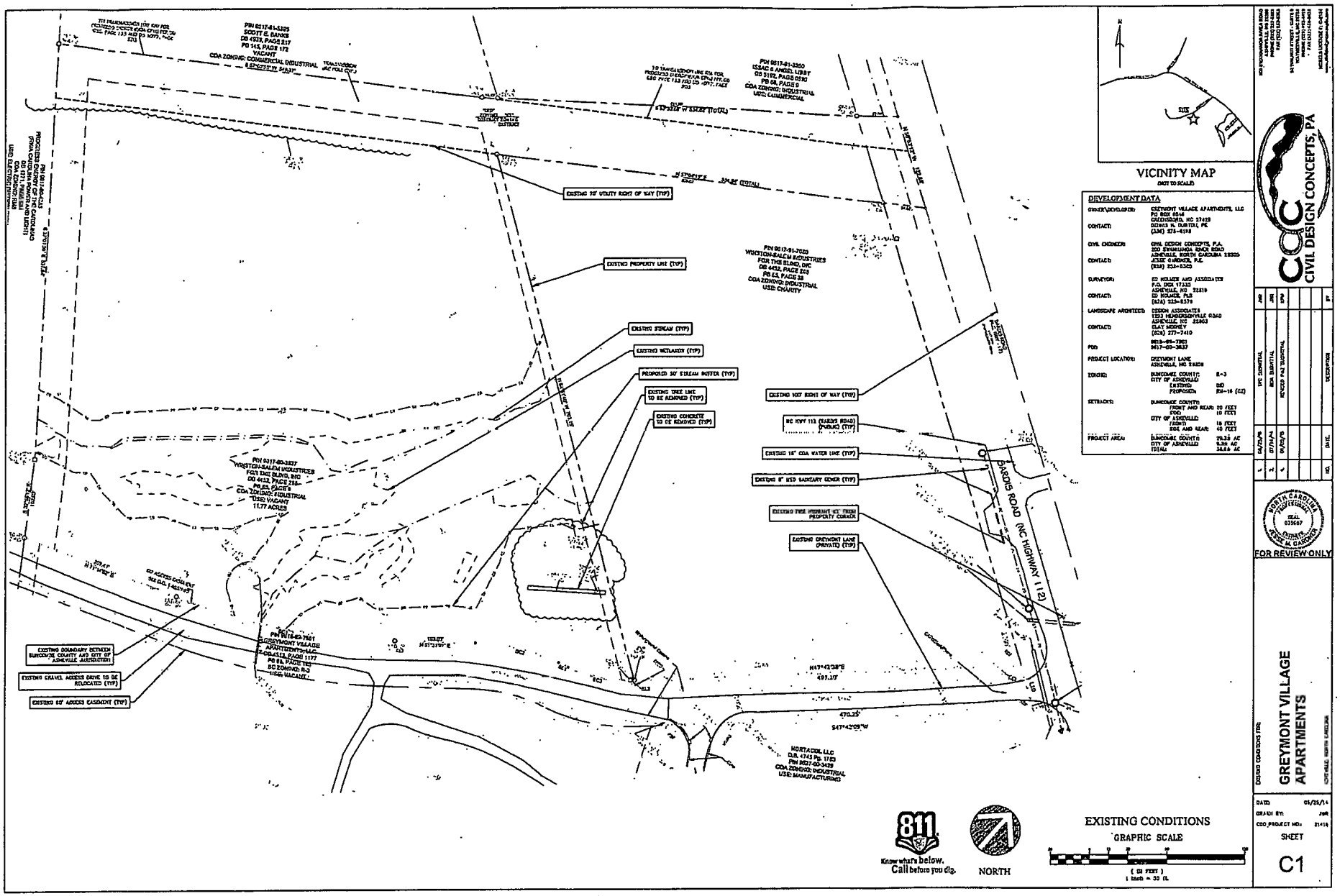
FOR REVIEW ONLY

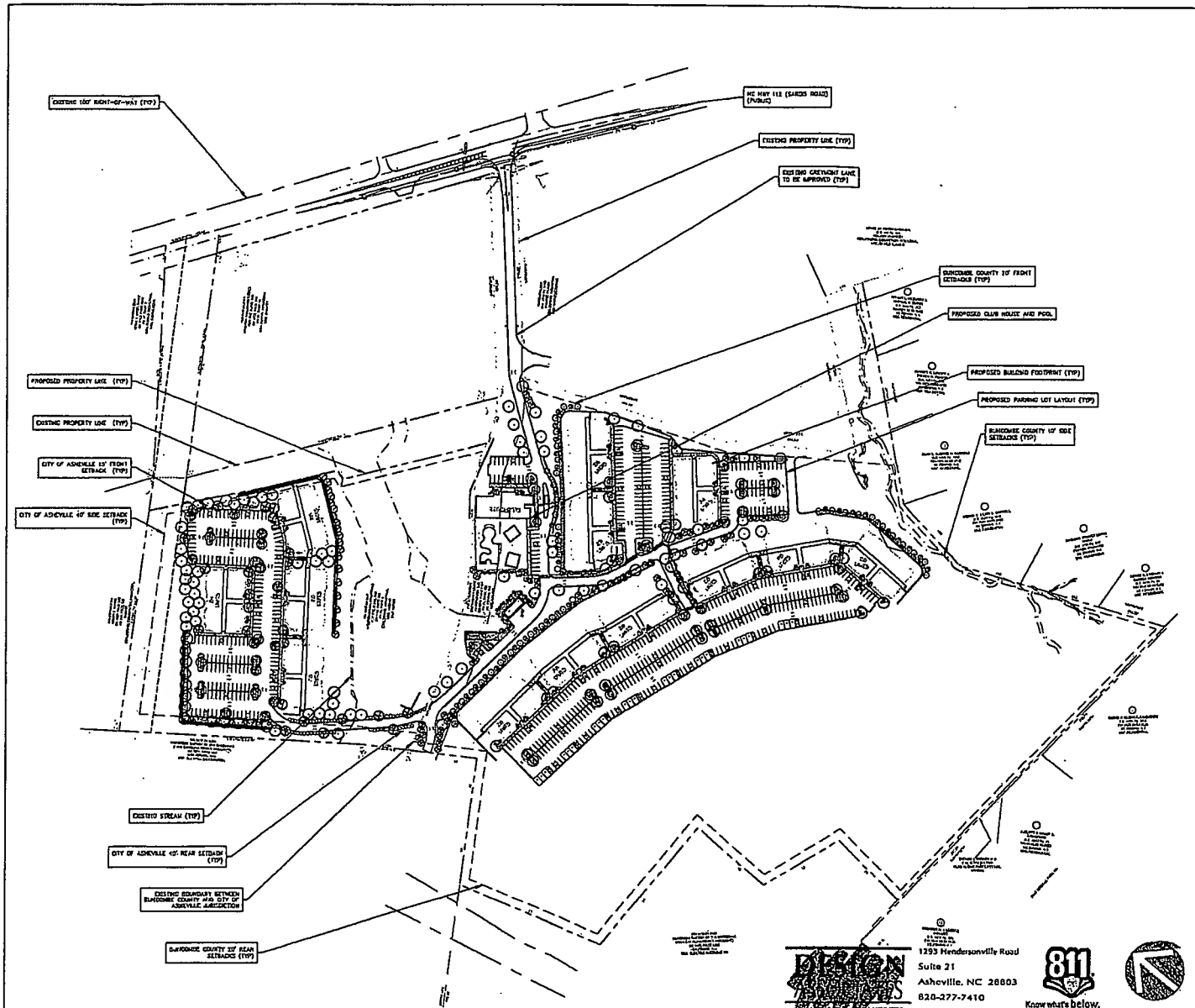
COVER FOR: GREYMONT VILLAGE APARTMENTS
ASHEVILLE, NORTH CAROLINA

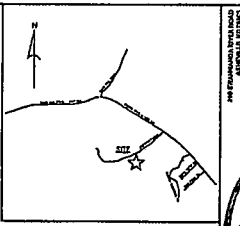
DATE: 02/25/14
DRAWN BY: JMS
CDC PROJECT NO.: 13418

SHEET
C0

Exhibit C


VICINITY MAP
(NOT TO SCALE)
DEVELOPMENT DATA
OWNER/DEVELOPER: GREYMONT VILLAGE APARTMENTS, LLC
PO BOX 8516
GREENSBORO, NC 27429
DENNIS M. DURTSCHI, PE
(336) 574-4198
CONTACT:
CIVIL ENGINEER: CIVIL DESIGN CONCEPTS, P.A.
200 SWANNANOA RIVER ROAD
ASHEVILLE, NORTH CAROLINA 28805
CONTACT: JESSE GARDNER, P.E.
(828) 253-5383
SURVEYOR: ED HOLLER AND ASSOCIATES
P.O. BOX 17323
ASHEVILLE, NC 28816
CONTACT: ED HOLLER, PLS
(828) 333-8378
LANDSCAPE ARCHITECT: DESIGN ASSOCIATES
1253 HENDERSONVILLE ROAD
ASHEVILLE, NC 28803
CONTACT: CLAY MEDLEY
(828) 277-7410
PIN: 9618-65-7261
9617-60-3632
PROJECT LOCATION: GREYMONT LANE
ASHEVILLE, NC 28806
ZONING: BUNCOMBE COUNTY: R-3
CITY OF ASHEVILLE
EXISTING: RM-8
PROPOSED: RM-16 (CZ)
SETBACKS: BUNCOMBE COUNTY:
FRONT AND REAR: 20 FEET
SIDE: 10 FEET
CITY OF ASHEVILLE:
FRONT: 15 FEET
SIDE AND REAR: 10 FEET
PROJECT AREA: BUNCOMBE COUNTY: 79.34 AC
CITY OF ASHEVILLE: 9.50 AC
TOTAL: 88.84 AC
EXISTING 70' UTILITY RIGHT OF WAY (TYP)
EXISTING PROPERTY LINE (TYP)
EXISTING STREAM (TYP)
EXISTING WETLANDS (TYP)
PROPOSED 50' STREAM BUFFER (TYP)
EXISTING TREE LINE TO BE REMOVED (TYP)
EXISTING CONCRETE TO BE REMOVED (TYP)
EXISTING 100' RIGHT OF WAY (TYP)
NC HWY 112 (LEDGER ROAD) PUBLIC (TYP)
EXISTING 16" COA WATER LINE (TYP)
EXISTING 8" MSD SANITARY SEWER (TYP)
EXISTING FIRE HYDRANT (TYP) FROM PROPERTY CORNER
EXISTING GREYMONT LANE (PRIVATE) (TYP)
BARNS ROAD (NC HIGHWAY 112)
EXISTING BOUNDARY BETWEEN BUNCOMBE COUNTY AND CITY OF ASHEVILLE JURISDICTION
EXISTING GRAVEL ACCESS DRIVE TO BE RELOCATED (TYP)
EXISTING 60' ACCESS EASEMENT (TYP)
PIN 9617-60-3327
WINSTON-SALEM INDUSTRIES FOR THE BLIND, INC
DB 4432, PAGE 286
PB 65, PAGES 5
COA ZONING: INDUSTRIAL
USE: VACANT
11.77 ACRES
PIN 9617-61-7021
WINSTON-SALEM INDUSTRIES FOR THE BLIND, INC
DB 4432, PAGE 283
PB 65, PAGES 5
COA ZONING: INDUSTRIAL
USE: CHARITY
PIN 9617-61-3350
ISAAC & ANGEL LIBBY
DB 3192, PAGE 0690
PB 68, PAGE 8
COA ZONING: INDUSTRIAL
USE: COMMERCIAL
PIN 9617-61-3325
SCOTT E. DAVIS
DB 4939, PAGE 217
PB 145, PAGE 172
VACANT
COA ZONING: COMMERCIAL INDUSTRIAL
PIN 9618-65-7621
GREYMONT VILLAGE APARTMENTS, LLC
DB 4433, PAGE 1177
PB 71, PAGE 110
RS ZONING: R-3
USE: VACANT
MORTACOR, LLC
D.B. 4743 Pg. 1763
PIN 9627-00-3429
COA ZONING: INDUSTRIAL
USE: MANUFACTURING
811
Know what's below.
Call before you dig.
NORTH
EXISTING CONDITIONS
GRAPHIC SCALE
(IN FEET)
1 inch = 30 ft.
CIVIL DESIGN CONCEPTS
NPC SUBMITTAL
BOA SUBMITTAL
REVISED P&Z SUBMITTAL
DESCRIPTION
DATE
FOR REVIEW ONLY
EXISTING CONDITIONS (TYP)
GREYMONT VILLAGE APARTMENTS
ASHEVILLE, NORTH CAROLINA
DATE: 05/25/14
DRAWN BY: JNR
CDC PROJECT NO.: 21418
SHEET
C1


EXISTING 100' RIGHT-OF-WAY (TYP.)
NC HWY 112 (SARDIS ROAD) (PUBLIC)
EXISTING PROPERTY LINE (TYP.)
EXISTING GREYMONT LANE TO BE IMPROVED (TYP.)
BUNCOMBE COUNTY 30' FRONT SETBACK (TYP.)
PROPOSED CLUB HOUSE AND POOL
PROPOSED BUILDING FOOTPRINT (TYP.)
PROPOSED PARKING LOT LAYOUT (TYP.)
BUNCOMBE COUNTY 10' SIDE SETBACK (TYP.)
PROPOSED PROPERTY LINE (TYP.)
EXISTING PROPERTY LINE (TYP.)
CITY OF ASHEVILLE 25' FRONT SETBACK (TYP.)
CITY OF ASHEVILLE 10' SIDE SETBACK (TYP.)
EXISTING STREAM (TYP.)
CITY OF ASHEVILLE 40' REAR SETBACK (TYP.)
EXISTING BOUNDARY BETWEEN BUNCOMBE COUNTY A.D. CITY OF ASHEVILLE JURISDICTION
BUNCOMBE COUNTY 30' REAR SETBACKS (TYP.)



VICINITY MAP

(NOT TO SCALE)

DEVELOPMENT DATA

OWNER/DEVELOPER:	GREYMONT VILLAGE APARTMENTS, LLC PO BOX 6818 HENDERSONVILLE, NC 28739 DENNIS N. BURTON, PE (336) 813-6168	
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 324 SWANNANOA RIVER ROAD ASHEVILLE, NORTH CAROLINA 28805 JESSE SIMMONS, P.E. (828) 251-5348	
SURVEYOR:	ED HOLMES AND ASSOCIATES P.O. BOX 17333 ASHEVILLE, NC 28816 ED HOLMES, PLS (828) 225-4579	
LANDSCAPE ARCHITECT:	DESIGN ASSOCIATES 1293 HENDERSONVILLE ROAD ASHEVILLE, NC 28803 CLAY VICKEY (828) 277-7410	
PIN:	0616-99-1201 0615-99-3832	
PROJECT LOCATION:	GREYMONT LANE ASHEVILLE, NC 28806	
ZONING:	BUNCOMBE COUNTY CITY OF ASHEVILLE EXISTING: PROPOSED:	R-3 RM-16 (CA)
SETBACKS:	BUNCOMBE COUNTY FRONT AND REAR: SIDE: CITY OF ASHEVILLE FRONT: SIDE AND REAR:	30 FEET 10 FEET 25 FEET 40 FEET
PROJECT AREA:	BUNCOMBE COUNTY: CITY OF ASHEVILLE: TOTAL:	29.26 AC 5.26 AC 33.88 AC
DENSITY:	BUNCOMBE COUNTY ALLOWED: PROPOSED: CITY OF ASHEVILLE ALLOWED: PROPOSED:	351 UNITS 248 UNITS 220 UNITS 108 UNITS
BUILDINGS PROPOSED:	BUNCOMBE COUNTY: RESIDENTIAL: COMMUNITY: CITY OF ASHEVILLE: TOTAL:	9 BUILDINGS 1 BUILDING 4 BUILDINGS 14 BUILDINGS
BUILDING HEIGHT:	BUNCOMBE COUNTY ALLOWED: PROPOSED: CITY OF ASHEVILLE ALLOWED: PROPOSED:	35 FEET 42.25 FEET 40 FEET 36.8 FEET
BUILDING STORIES:	3-STORY & 2/C SPLIT LEVEL	
TOTAL GROSS FLOOR AREA:	BUNCOMBE COUNTY: CITY OF ASHEVILLE:	159,552± SF 334,028± SF
PARKING:	BUNCOMBE COUNTY: RESIDENTIAL: ACCESSIBLE: CLUBHOUSE: CITY OF ASHEVILLE: ACCESSIBLE: TOTAL: RESIDENTIAL: DEVELOPMENT:	462 SPACES 1.68/UNIT 10 SPACES 18 SPACES 193 SPACES 1.70/UNIT 4 SPACES 559 SPACES 1.63/UNIT 576 SPACES
BICYCLE PARKING:	BUNCOMBE COUNTY: N/A CITY OF ASHEVILLE (10%): REQUIRED: PROVIDED:	10 SPACES 12 SPACES
TOTAL GRADING AREA:	BUNCOMBE COUNTY: CITY OF ASHEVILLE: TOTAL:	15.3 AC 5.7 AC 11.1 AC
IMPERVIOUS SURFACE AREA:	BUNCOMBE COUNTY EXISTING: PROPOSED: CITY OF ASHEVILLE EXISTING: PROPOSED:	3.2± AC (7.6%) 10.5± AC (35.8%) 0± AC (0%) 3.1± AC (28.2%)
OPEN SPACE REQUIRED:	BUNCOMBE COUNTY: N/A CITY OF ASHEVILLE (15%): REQUIRED: PROVIDED:	68,314 SF 82,817 SF
TREE SAVE AREA:	BUNCOMBE COUNTY: N/A CITY OF ASHEVILLE (30%): REQUIRED: PROVIDED:	171,028 SF 171,053 SF

MASTER PLAN

GRAPHIC SCALE

(IN FEET)
1 inch = 100 ft.

DESIGN ASSOCIATES
ARCHITECTS & LAND PLANNERS
1293 Hendersonville Road
Suite 21
Asheville, NC 28803
828-277-7410
Fax:828-277-7413

811 Know what's below. Call before you dig.

NORTH

CIVIL DESIGN CONCEPTS, PA

NO.	DATE	DESCRIPTION
1	06/25/14	PER CITY COMMENTS
2	07/07/14	PER CITY COMMENTS
3	07/28/14	REVISED PER CITY COMMENTS
4	08/18/14	REVISED PER CITY COMMENTS
5	08/25/14	REVISED PER CITY COMMENTS

NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT SEAL 035487 JESSE M. CHARNOCK

FOR REVIEW ONLY

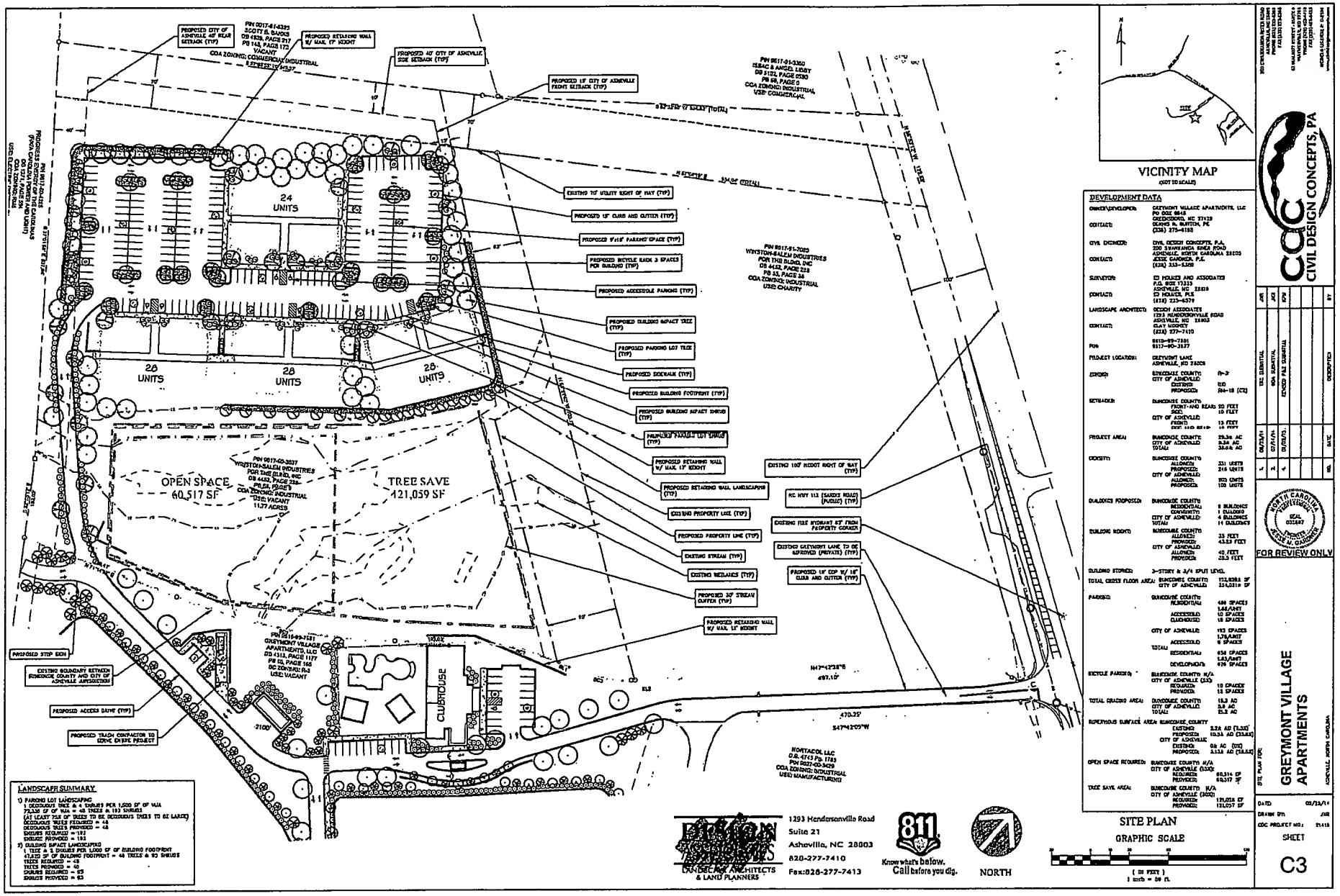
MASTER PLAN FOR:

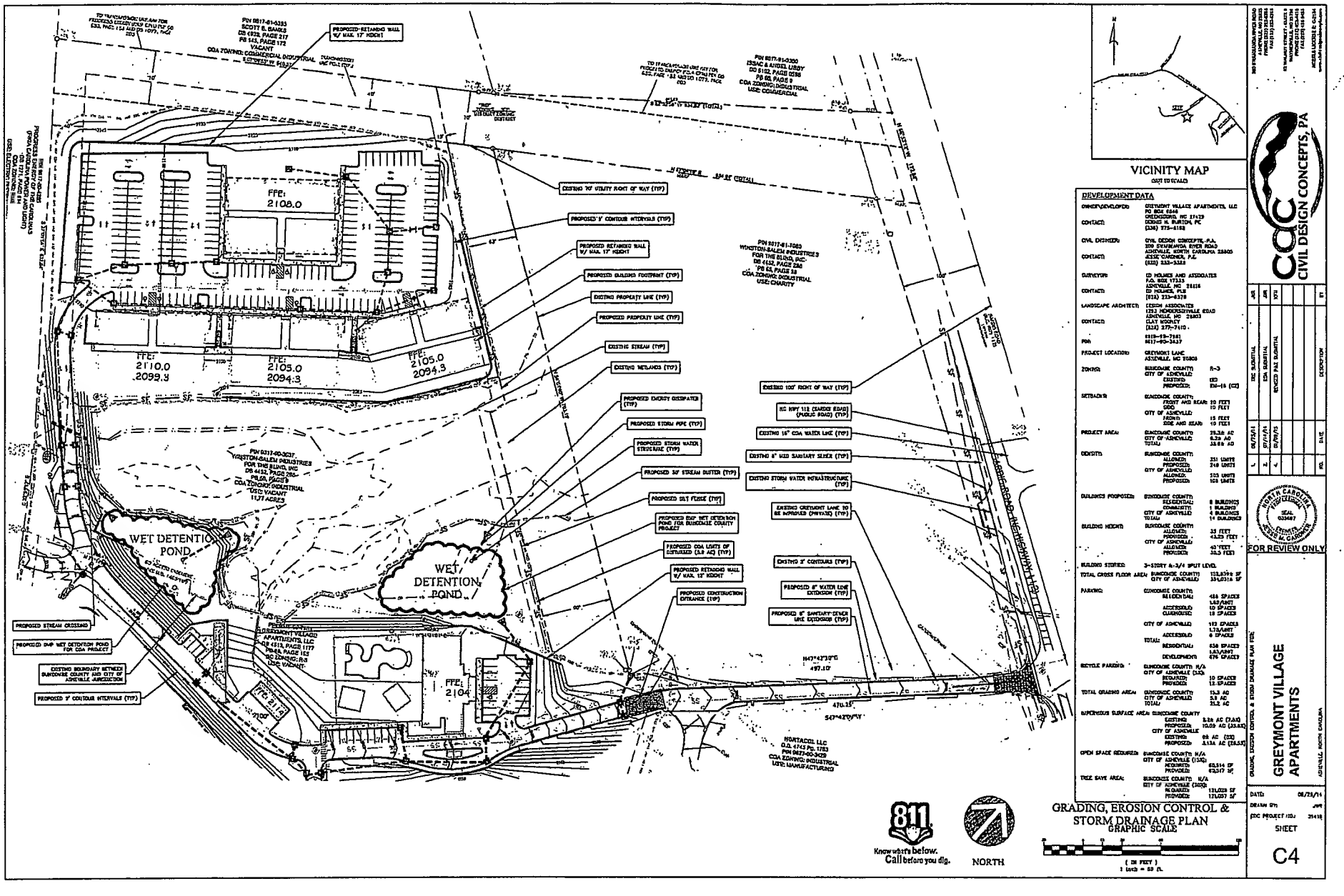
GREYMONT VILLAGE APARTMENTS

ASHEVILLE, NORTH CAROLINA

DATE: 08/29/14
DRAWN BY: JMS
CDC PROJECT NO: 23415

SHEET
C2


24 UNITS
28 UNITS
28 UNITS
28 UNITS
OPEN SPACE 60,517 SF
TREE SAVE 421,059 SF
CLUBHOUSE
PROPOSED CITY OF ASHEVILLE 40' REAR SETBACK (TYP)
PROPOSED RETAINING WALL W/ MAX. 17' HEIGHT
PROPOSED 40' CITY OF ASHEVILLE SIDE SETBACK (TYP)
PROPOSED 15' CITY OF ASHEVILLE FRONT SETBACK (TYP)
EXISTING 70' UTILITY RIGHT OF WAY (TYP)
PROPOSED 18" CURB AND GUTTER (TYP)
PROPOSED 9'x18' PARKING SPACE (TYP)
PROPOSED BICYCLE RACK 3 SPACES PER BUILDING (TYP)
PROPOSED ACCESSIBLE PARKING (TYP)
PROPOSED BUILDING IMPACT TREE (TYP)
PROPOSED PARKING LOT TREE (TYP)
PROPOSED SIDEWALK (TYP)
PROPOSED BUILDING FOOTPRINT (TYP)
PROPOSED BUILDING IMPACT SHRUB (TYP)
PROPOSED PARKING LOT SHRUB (TYP)
PROPOSED RETAINING WALL W/ MAX. 17' HEIGHT
PROPOSED RETAINING WALL LANDSCAPING (TYP)
EXISTING PROPERTY LINE (TYP)
PROPOSED PROPERTY LINE (TYP)
EXISTING STREAM (TYP)
EXISTING WETLANDS (TYP)
PROPOSED 30' STREAM BUFFER (TYP)
PROPOSED RETAINING WALL W/ MAX. 12' HEIGHT
EXISTING 100' RIGHT OF WAY (TYP)
NC HWY 112 (LEICESTER HIGHWAY) (PUBLIC) (TYP)
EXISTING FIRE HYDRANT 6'5" FROM PROPERTY CORNER
EXISTING DRIVEWAY LANE TO BE REMOVED (PRIVATE) (TYP)
PROPOSED 18" CMP W/ 18" CURB AND GUTTER (TYP)
PROPOSED STOP SIGN
EXISTING BOUNDARY BETWEEN BUNCOMBE COUNTY AND CITY OF ASHEVILLE JURISDICTION
PROPOSED ACCESS DRIVE (TYP)
PROPOSED TRASH COMPACTOR TO SERVE ENTIRE PROJECT
PIN 9617-61-6325 SCOTT & BANKS DB 4828, PAGE 217 PB 148, PAGE 172 VACANT COA ZONING: COMMERCIAL INDUSTRIAL
PIN 9617-91-2360 ISAAC & ANGEL LOGAY DB 5102, PAGE 0530 PB 68, PAGE 0 COA ZONING: INDUSTRIAL USE: COMMERCIAL
PIN 9617-91-7020 WINSTON-SALEM INDUSTRIES FOR THE BLIND, INC DB 4452, PAGE 228 PB 53, PAGE 38 COA ZONING: INDUSTRIAL USE: CHARITY
PIN 9617-60-3527 WINSTON-SALEM INDUSTRIES PIN: THE GLASS, INC DB 4452, PAGE 234 PB 53, PAGE 9 COA ZONING: INDUSTRIAL USE: VACANT 11.77 ACRES
PIN 9617-60-1581 GREYMONT VILLAGE APARTMENTS, LLC DB 4311, PAGE 1177 PB 53, PAGE 168 GC ZONING: R-3 USE: VACANT
PIN 9617-61-7581 MONTACOL LLC D.B. 4717 Pg. 1783 PIN 9617-60-3479 COA ZONING: INDUSTRIAL USED MANUFACTURING
N47°42'38"E 497.10'
S47°42'09"W 470.25'
LANDSCAPE SUMMARY
1) PARKING LOT LANDSCAPING
1 DECIDUOUS TREE & 4 SHRUBS PER 1,000 SF OF VUA
72,330 SF OF VUA = 46 TREES & 193 SHRUBS
(AT LEAST 75% OF TREES TO BE DECIDUOUS TREES TO BE LARGE)
DECIDUOUS TREES REQUIRED = 46
DECIDUOUS TREES PROVIDED = 46
SHRUBS REQUIRED = 193
SHRUBS PROVIDED = 193
2) BUILDING IMPACT LANDSCAPING
1 TREE & 5 SHRUBS PER 1,000 SF OF BUILDING FOOTPRINT
17,620 SF OF BUILDING FOOTPRINT = 46 TREES & 93 SHRUBS
TREES REQUIRED = 46
TREES PROVIDED = 46
SHRUBS REQUIRED = 93
SHRUBS PROVIDED = 93
VICINITY MAP
(NOT TO SCALE)
SITE
DEVELOPMENT DATA
OWNER/DEVELOPER: GREYMONT VILLAGE APARTMENTS, LLC PO BOX 5843 GREENSBORO, NC 27429 DENNIS M. WARTON, PE (336) 275-4183
CIVIL ENGINEER: CIVIL DESIGN CONCEPTS, P.A. 200 SWANNANOA RIVER ROAD ASHEVILLE, NORTH CAROLINA 28805 ASHE CADMORE, P.E. (828) 333-5200
SURVEYOR: ED HOLMES AND ASSOCIATES P.O. BOX 17339 ASHEVILLE, NC 28816 ED HOLMES, PLS (828) 225-6579
LANDSCAPE ARCHITECT: DESIGN ASSOCIATES 1293 HENDERSONVILLE ROAD ASHEVILLE, NC 28803 GARY MOONEY (828) 277-7410
PIN: 9618-99-7301, 9617-90-3527
PROJECT LOCATION: GREYMONT LANE ASHEVILLE, NC 28806
ZONING: BUNCOMBE COUNTY: R-3 CITY OF ASHEVILLE: EXISTING: RS PROPOSED: RM-16 (CD)
SETBACKS: BUNCOMBE COUNTY: FRONT AND REAR: 30 FEET SIDE: 10 FEET CITY OF ASHEVILLE: FRONT: 15 FEET SIDE: 5 FEET REAR: 10 FEET
PROJECT AREA: BUNCOMBE COUNTY: 29.36± AC CITY OF ASHEVILLE: 8.26 AC TOTAL: 38.0± AC
DENSITY: BUNCOMBE COUNTY: ALLOWED: 331 UNITS PROPOSED: 216 UNITS CITY OF ASHEVILLE: ALLOWED: 303 UNITS PROPOSED: 100 UNITS
BUILDINGS PROPOSED: BUNCOMBE COUNTY: RESIDENTIAL: 9 BUILDINGS COMMUNITY: 1 BUILDING CITY OF ASHEVILLE: 4 BUILDINGS TOTAL: 14 BUILDINGS
BUILDING HEIGHT: BUNCOMBE COUNTY: ALLOWED: 35 FEET PROVIDED: 45±3 FEET CITY OF ASHEVILLE: ALLOWED: 40 FEET PROVIDED: 28.5 FEET
BUILDING STORIES: 3-STORY & 3/4 SPLIT LEVEL
TOTAL GROSS FLOOR AREA: BUNCOMBE COUNTY: 152,838± SF CITY OF ASHEVILLE: 154,031± SF
PARKING: BUNCOMBE COUNTY: RESIDENTIAL: 486 SPACES 1.68/UNIT ACCESSIBLE: 10 SPACES CLUBHOUSE: 18 SPACES
CITY OF ASHEVILLE: 193 SPACES 1.78/UNIT ACCESSIBLE: 8 SPACES
TOTAL: RESIDENTIAL: 656 SPACES 1.83/UNIT DEVELOPMENT: 676 SPACES
BICYCLE PARKING: BUNCOMBE COUNTY: N/A CITY OF ASHEVILLE (1%): REQUIRED: 10 SPACES PROVIDED: 11 SPACES
TOTAL GRADING AREA: BUNCOMBE COUNTY: 15.3 AC CITY OF ASHEVILLE: 0.8 AC TOTAL: 21.2 AC
IMPERVIOUS SURFACE AREA: BUNCOMBE COUNTY: EXISTING: 2.26 AC (7.38%) PROPOSED: 10.34 AC (33.8%) CITY OF ASHEVILLE: EXISTING: 0.6 AC (75%) PROPOSED: 2.13 AC (26.5%)
OPEN SPACE REQUIRED: BUNCOMBE COUNTY: N/A CITY OF ASHEVILLE (15%): REQUIRED: 60,314 SF PROVIDED: 60,517 SF
TREE SAVE AREA: BUNCOMBE COUNTY: N/A CITY OF ASHEVILLE (30%): REQUIRED: 181,028 SF PROVIDED: 181,057 SF
SITE PLAN
GRAPHIC SCALE
(IN FEET)
1 inch = 50 ft.
NORTH
811 Know what's below. Call before you dig.
LANDSCAPE ARCHITECTS & LAND PLANNERS
1293 Hendersonville Road
Suite 21
Asheville, NC 28803
828-277-7410
Fax:828-277-7413
CCC CIVIL DESIGN CONCEPTS, PA
NO. DESCRIPTION BY DATE
1 SDC SUBMITTAL JJD 08/25/11
2 SDA SUBMITTAL KPW 07/11/11
4 REVISED PRE-SUBMITTAL 05/20/11
NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT SEAL 003687 JAMES A. GARDNER
FOR REVIEW ONLY
SITE PLAN FOR:
GREYMONT VILLAGE APARTMENTS
ASHEVILLE, NORTH CAROLINA
DATE 08/15/11
DRAWN BY: JJD
CDC PROJECT NO.: 21418
SHEET
C3


WET DETENTION POND
WET DETENTION POND
FFE: 2108.0
FFE: 2110.0 2099.3
FFE: 2105.0 2094.3
FFE: 2105.0 2094.3
FFE: 2104
PROPOSED RETAINING WALL W/ MAX. 17' HEIGHT
PROPOSED 5' CONTOUR INTERVALS (TYP)
PROPOSED RETAINING WALL W/ MAX. 13' HEIGHT
PROPOSED BUILDING FOOTPRINT (TYP)
EXISTING PROPERTY LINE (TYP)
PROPOSED PROPERTY LINE (TYP)
EXISTING STREAM (TYP)
EXISTING WETLANDS (TYP)
PROPOSED ENERGY DISSIPATER (TYP)
PROPOSED STORM PIPE (TYP)
PROPOSED STORM WATER STRUCTURE (TYP)
PROPOSED 50' STREAM BUFFER (TYP)
PROPOSED SILT FENCE (TYP)
PROPOSED EXP. WET DETENTION POND FOR BUNCOMBE COUNTY PROJECT
PROPOSED COA LIMITS OF DISTURBED (3.8 AC) (TYP)
PROPOSED RETAINING WALL W/ MAX. 12' HEIGHT
PROPOSED CONSTRUCTION ENTRANCE (TYP)
EXISTING 100' RIGHT OF WAY (TYP)
NC HWY 112 (CHARLES BOAZ) (PUBLIC ROAD) (TYP)
EXISTING 16" COA WATER LINE (TYP)
EXISTING 8" MSD SANITARY SEWER (TYP)
EXISTING STORM WATER INFRASTRUCTURE (TYP)
EXISTING GREYMONT LANE TO BE ABANDONED (PRIVATE) (TYP)
EXISTING 2' CONTOURS (TYP)
PROPOSED 8" WATER LINE EXTENSION (TYP)
PROPOSED 8" SANITARY SEWER LINE EXTENSION (TYP)
PROPOSED STREAM CROSSING
PROPOSED EXP. WET DETENTION POND FOR COA PROJECT
EXISTING BOUNDARY BETWEEN BUNCOMBE COUNTY AND CITY OF ASHEVILLE JURISDICTION
PROPOSED 5' CONTOUR INTERVALS (TYP)
PIN 9617-91-3283 SCOTT E. BANKS DB 4938, PAGE 217 PB 145, PAGE 172 VACANT COA ZONING: COMMERCIAL/INDUSTRIAL
PIN 9617-91-3300 ISSAC & AVRIEL URBY DB 5152, PAGE 1098 PB 66, PAGE 9 COA ZONING: INDUSTRIAL USE: COMMERCIAL
PIN 9617-91-7283 WINSTON-SALEM INDUSTRIES FOR THE BLIND, INC. DB 4432, PAGE 286 PB 65, PAGE 58 COA ZONING: INDUSTRIAL USE: CHARITY
PIN 9617-90-3637 WINSTON-SALEM INDUSTRIES FOR THE BLIND, INC DB 4432, PAGE 286 PB 65, PAGE 58 COA ZONING: INDUSTRIAL USE: VACANT 11.77 ACRES
PROPOSED GREYMONT VILLAGE APARTMENTS, LLC DB 4919, PAGE 177 PB 65, PAGE 152 GC ZONING: RS USE: VACANT
NORTACOL LLC D.B. 4743 Pg. 1783 PIN 9627-90-3621 COA ZONING: INDUSTRIAL USE: MANUFACTURING
EASTERN BOULEVARD (HIGHWAY 112)
N 47°47'35" E 497.10'
S 47°47'35" W 470.15'
N 47°47'35" E 497.10' (Total)
S 47°47'35" W 470.15' (Total)
Know what's below. Call before you dig.
811
NORTH

VICINITY MAP
(NOT TO SCALE)

DEVELOPMENT DATA

OWNER/DEVELOPER:	GREYMONT VILLAGE APARTMENTS, LLC PO BOX 6848 GREENSBORO, NC 27429 DONALD A. BURTON, PE (336) 775-6182	
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 200 SWANNANOA RIVER ROAD ASHEVILLE, NORTH CAROLINA 28805 JESSE CARDNER, P.E. (828) 255-3383	
SURVEYOR:	ED HOLMES AND ASSOCIATES P.O. BOX 17323 ASHEVILLE, NC 28816 ED HOLMES, PLS (828) 253-4378	
LANDSCAPE ARCHITECT:	DESIGN ASSOCIATES 1251 HENDERSONVILLE ROAD ASHEVILLE, NC 28803 CLAY MOONEY (828) 277-7410	
PIN:	9618-93-7281 9617-90-3437	
PROJECT LOCATION:	GREYMONT LANE ASHEVILLE, NC 28805	
ZONING:	BUNCOMBE COUNTY: CITY OF ASHEVILLE: EXISTING: PROPOSED:	R-3 HB EM-16 (CD)
SETBACKS:	BUNCOMBE COUNTY: FRONT AND REAR: SIDE: CITY OF ASHEVILLE: FRONT: SIDE AND REAR:	30 FEET 10 FEET 15 FEET 10 FEET
PROJECT AREA:	BUNCOMBE COUNTY: CITY OF ASHEVILLE: TOTAL:	29.36 AC 6.29 AC 35.65 AC
DENSITY:	BUNCOMBE COUNTY: ALLOWED: PROPOSED: CITY OF ASHEVILLE: ALLOWED: PROPOSED:	 251 UNITS 248 UNITS 103 UNITS 103 UNITS
BUILDINGS PROPOSED:	BUNCOMBE COUNTY: RESIDENTIAL: COMMUNITY: CITY OF ASHEVILLE: TOTAL:	 8 BUILDINGS 1 BUILDING 4 BUILDINGS 14 BUILDINGS
BUILDING HEIGHT:	BUNCOMBE COUNTY: ALLOWED: PROVIDED: CITY OF ASHEVILLE: ALLOWED: PROVIDED:	 35 FEET 43.25 FEET 40 FEET 35.5 FEET
BUILDING STORIES:	3-STORY & 3/4 SPLIT LEVEL	
TOTAL GROSS FLOOR AREA:	BUNCOMBE COUNTY: CITY OF ASHEVILLE:	102,838± SF 35,601± SF
PARKING:	BUNCOMBE COUNTY: RESIDENTIAL: ACCESSIBLE GUARANTEED: CITY OF ASHEVILLE ACCESSIBLE TOTAL: RESIDENTIAL: DEVELOPMENT:	 488 SPACES 1.62/UNIT 10 SPACES 18 SPACES 182 SPACES 1.76/UNIT 6 SPACES 494 SPACES 1.63/UNIT 676 SPACES
BICYCLE PARKING:	BUNCOMBE COUNTY: CITY OF ASHEVILLE (1/5): REQUIRED: PROVIDED:	N/A 10 SPACES 12 SPACES
TOTAL GRADING AREA:	BUNCOMBE COUNTY: CITY OF ASHEVILLE: TOTAL:	13.3 AC 9.9 AC 23.2 AC
IMPERVIOUS SURFACE AREA:	BUNCOMBE COUNTY EXISTING: PROPOSED: CITY OF ASHEVILLE EXISTING: PROPOSED:	 3.3± AC (7.6%) 10.09 AC (33.8%) .98 AC (10%) 3.13± AC (24.5%)
OPEN SPACE REQUIRED:	BUNCOMBE COUNTY: N/A CITY OF ASHEVILLE (15%): REQUIRED: PROVIDED:	 63,514 SF 63,517 SF
TREE SAVE AREA:	BUNCOMBE COUNTY: N/A CITY OF ASHEVILLE (10%): RE QUIRED: PROVIDED:	 121,028 SF 121,057 SF

GRADING, EROSION CONTROL & STORM DRAINAGE PLAN
GRAPHIC SCALE
(IN FEET)
1 inch = 50 ft.

CIVIL DESIGN CONCEPTS, PA

NO.	DATE	DESCRIPTION	BY
1.	08/25/14	DEC SUBMITTAL	JWS
2.	09/19/14	COA SUBMITTAL	JWS
3.	10/24/14	REVISED PAD SUBMITTAL	JWS

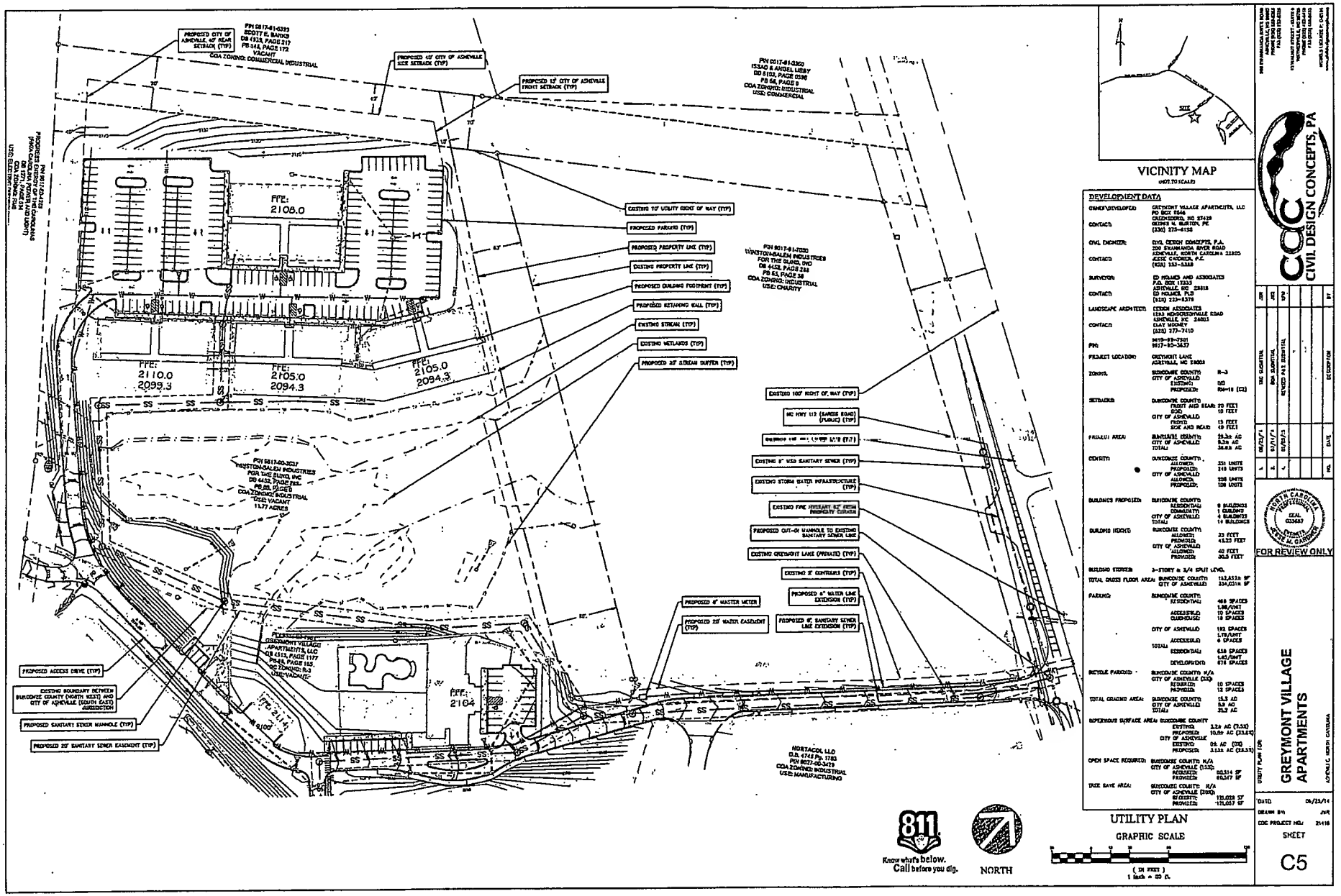
NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 033687 JESSE M. GARDNER

FOR REVIEW ONLY

GREYMONT VILLAGE APARTMENTS
GRADING, EROSION CONTROL & STORM DRAINAGE PLAN FOR:
ASHEVILLE, NORTH CAROLINA

DATE: 08/25/14
DESIGN BY: JWS
CDC PROJECT NO.: 21418

SHEET
C4


PROPOSED CITY OF ASHEVILLE 40' REAR SETBACK (TYP)
PIN 9617-41-0393
SCOTT E. BANKS
DB 4518, PAGE 217
PB 141, PAGE 172
VACANT
COA ZONING: COMMERCIAL INDUSTRIAL
PROPOSED 40' CITY OF ASHEVILLE SIDE SETBACK (TYP)
PROPOSED 12' CITY OF ASHEVILLE FRONT SETBACK (TYP)
PIN 9617-61-2360
ISSAC & ANGEL LISBY
DB 5102, PAGE 0196
PB 56, PAGE 9
COA ZONING: INDUSTRIAL
USE: COMMERCIAL
PROGRESS ENERGY CAROLINAS, INC. (FKA CAROLINA POWER AND LIGHT CO.)
DUKE ELECTRIC TRANSMISSION
COA ZONING: RS-8
USE: ELECTRIC TRANSMISSION
FFE: 2108.0
FFE: 2110.0 2099.3
FFE: 2105.0 2094.3
FFE: 2105.0 2094.3
EXISTING 70' UTILITY RIGHT OF WAY (TYP)
PROPOSED PARKING (TYP)
PROPOSED PROPERTY LINE (TYP)
EXISTING PROPERTY LINE (TYP)
PROPOSED BUILDING FOOTPRINT (TYP)
PROPOSED RETAINING WALL (TYP)
EXISTING STREAM (TYP)
EXISTING WETLANDS (TYP)
PROPOSED 30' STREAM BUFFER (TYP)
PIN 9617-61-7030
WINSTON-SALEM INDUSTRIES FOR THE BLIND, INC
DB 4432, PAGE 288
PB 83, PAGE 38
COA ZONING: INDUSTRIAL
USE: CHARITY
PIN 9617-82-3617
WINSTON-SALEM INDUSTRIES FOR THE BLIND, INC
DB 4432, PAGE 288
PB 83, PAGE 38
COA ZONING: INDUSTRIAL
USE: VACANT
11.77 ACRES
EXISTING 100' RIGHT OF WAY (TYP)
NC HWY 112 (LEXIES ROAD) (PUBLIC) (TYP)
EXISTING 8" WSD SANITARY SEWER (TYP)
EXISTING STORM WATER INFRASTRUCTURE (TYP)
EXISTING FIRE HYDRANT, TYP. FROM PROPERTY SURVEY
PROPOSED CUT-IN MANHOLE TO EXISTING SANITARY SEWER LINE
EXISTING GREYMONT LANE (PRIVATE) (TYP)
EXISTING 2' CONTOURS (TYP)
PROPOSED 6" WATER LINE EXTENSION (TYP)
PROPOSED 6" MASTER METER
PROPOSED 20' WATER EASEMENT (TYP)
PROPOSED 8" SANITARY SEWER LINE EXTENSION (TYP)
PROPOSED GREYMONT VILLAGE APARTMENTS, LLC DB 4513, PAGE 165 PB 43, PAGE 177 RS ZONING: R-3 USE: VACANT
FFE: 2104
FFE: 2114
HORTACOL, LLC D.B. 4748 Pg. 1783 PIN 9627-00-3429 COA ZONING: INDUSTRIAL USE: MANUFACTURING
PROPOSED ACCESS DRIVE (TYP)
EXISTING BOUNDARY BETWEEN BUNCOMBE COUNTY (NORTH WEST) AND CITY OF ASHEVILLE (SOUTH EAST) JURISDICTION
PROPOSED SANITARY SEWER MANHOLE (TYP)
PROPOSED 20' SANITARY SEWER EASEMENT (TYP)
811 Know what's below. Call before you dig.
NORTH
GRAPHIC SCALE
(IN FEET)
1 inch = 20 ft.

VICINITY MAP
(NOT TO SCALE)

DEVELOPMENT DATA

OWNER/DEVELOPER:	GREYMONT VILLAGE APARTMENTS, LLC PO BOX 2546 CULLOWHEE, NC 28723 DENNIS A. BURTON, PE (336) 275-4135	
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 339 BROADWAY RIVER ROAD ASHEVILLE, NORTH CAROLINA 28805 JESSE CONNER, P.E. (828) 253-3388	
SURVEYOR:	ED HOLMES AND ASSOCIATES P.O. BOX 17333 ASHEVILLE, NC 28816	
CONTACT:	ED HOLMES, PLS (828) 232-8378	
LANDSCAPE ARCHITECT:	DESIGN ASSOCIATES 1253 HENDERSONVILLE ROAD ASHEVILLE, NC 28803 CLAY MOONEY (828) 277-7410	
PIN:	9617-82-7201 9617-82-3437	
PROJECT LOCATION:	GREYMONT LANE ASHEVILLE, NC 28803	
ZONING:	BUNCOMBE COUNTY: CITY OF ASHEVILLE: EXISTING: PROPOSED:	R-3 RD RM-16 (CZ)
SETBACKS:	BUNCOMBE COUNTY: FRONT AND REAR: SIDE CITY OF ASHEVILLE FRONT: SIDE AND REAR:	20 FEET 10 FEET 15 FEET 10 FEET
PROJECT AREA:	JURISDICTIONAL BOUNDARY: CITY OF ASHEVILLE: TOTAL:	36.3± AC 8.3± AC 36.63 AC
DENSITY:	BUNCOMBE COUNTY: ALLOWED: PROPOSED: CITY OF ASHEVILLE: ALLOWED: PROPOSED:	221 UNITS 216 UNITS 328 UNITS 108 UNITS
BUILDINGS PROPOSED:	BUNCOMBE COUNTY: RESIDENTIAL: COMMUNITY: CITY OF ASHEVILLE: TOTAL:	9 BUILDINGS 1 BUILDING 4 BUILDINGS 14 BUILDINGS
BUILDING HEIGHT:	BUNCOMBE COUNTY: ALLOWED: PROPOSED: CITY OF ASHEVILLE: ALLOWED: PROPOSED:	35 FEET 42.25 FEET 40 FEET 30.3 FEET
BUILDING STORIES:	3-STORY & 3/4 SPLIT LEVEL	
TOTAL GROSS FLOOR AREA:	BUNCOMBE COUNTY: CITY OF ASHEVILLE:	143,832± SF 334,031± SF
PARKING:	BUNCOMBE COUNTY: RESIDENTIAL: ACCESSIBLE: CLUBHOUSE: CITY OF ASHEVILLE: ACCESSIBLE: TOTAL: RESIDENTIAL: DEVELOPMENT:	468 SPACES 1.98/UNIT 10 SPACES 18 SPACES 193 SPACES 1.79/UNIT 6 SPACES 634 SPACES 1.45/UNIT 878 SPACES
BICYCLE PARKING:	BUNCOMBE COUNTY: N/A CITY OF ASHEVILLE (CZ): REQUIRED: PROVIDED:	10 SPACES 12 SPACES
TOTAL GRADING AREA:	BUNCOMBE COUNTY: CITY OF ASHEVILLE: TOTAL:	15.5 AC 5.9 AC 21.3 AC
IMPERVIOUS SURFACE AREA:	BUNCOMBE COUNTY EXISTING: PROPOSED: CITY OF ASHEVILLE EXISTING: PROPOSED:	3.2± AC (7.5%) 10.5± AC (33.8%) .06 AC (0%) 2.1± AC (23.1%)
OPEN SPACE REQUIRED:	BUNCOMBE COUNTY: N/A CITY OF ASHEVILLE (15%): REQUIRED: PROVIDED:	60,514 SF 69,517 SF
TREE SAVE AREA:	BUNCOMBE COUNTY: N/A CITY OF ASHEVILLE (20%): REQUIRED: PROVIDED:	121,035 SF 171,057 SF

CIVIL DESIGN CONCEPTS, PA

NO.	DATE	DESCRIPTION	BY
1.	05/23/14	REVISED PER COMMENTS	
2.	06/04/14	REVISED PER COMMENTS	
3.	06/20/14	REVISED PER COMMENTS	

NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT SEAL 033467 JEFFREY M. GARDNER

FOR REVIEW ONLY

UTILITY PLAN FOR

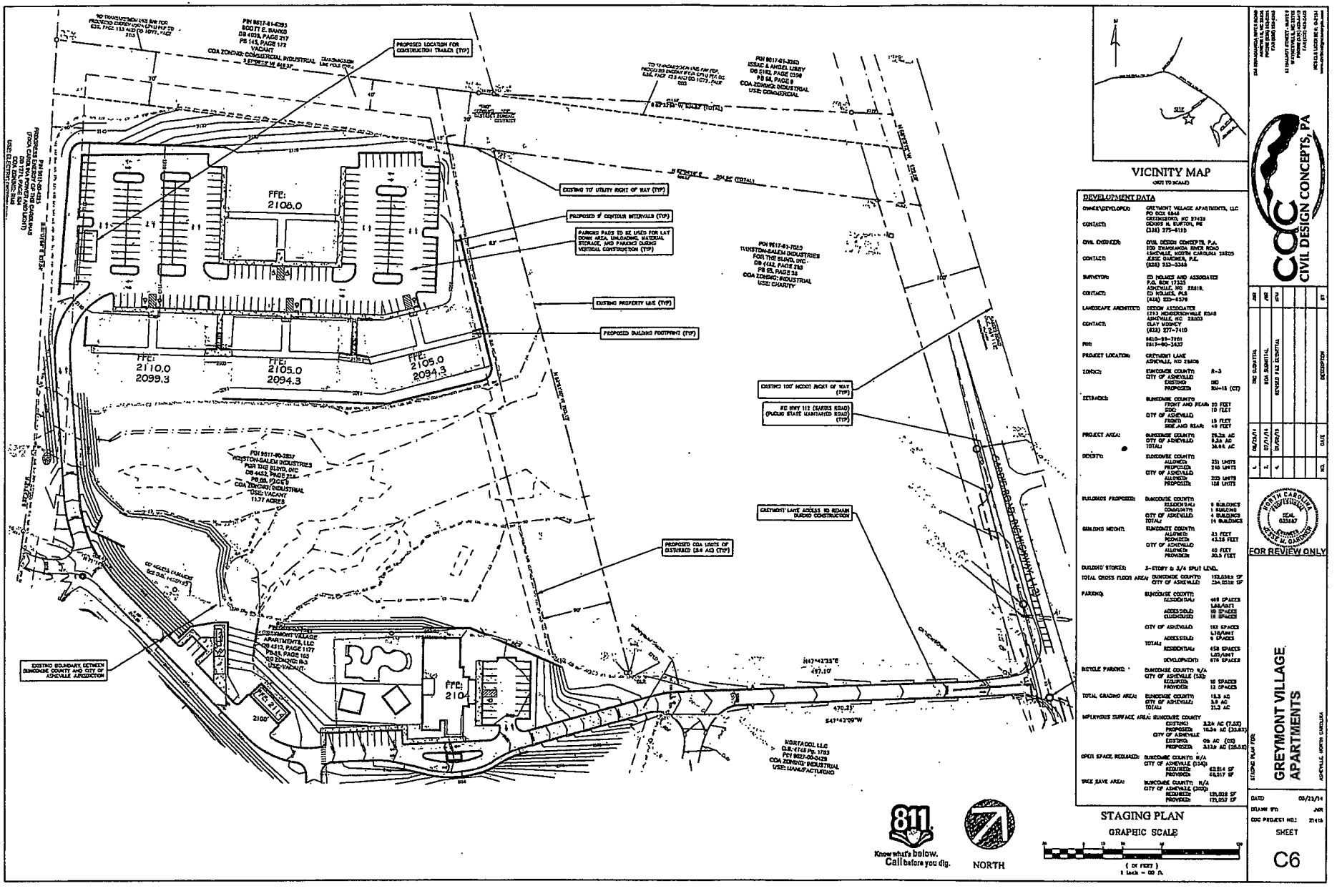
GREYMONT VILLAGE APARTMENTS

ASHEVILLE, NORTH CAROLINA

DATE: 05/23/14
DRAWN BY: JMR
CDC PROJECT NO.: 21418

SHEET
C5

474


PROPOSED LOCATION FOR CONSTRUCTION TRAILER (TYP)
EXISTING 70' UTILITY RIGHT OF WAY (TYP)
PROPOSED 5' CONTOUR INTERVALS (TYP)
PARKING PADS TO BE USED FOR LAY DOWN AREA, UNLOADING, MATERIAL STORAGE, AND PARKING DURING VERTICAL CONSTRUCTION (TYP)
EXISTING PROPERTY LINE (TYP)
PROPOSED BUILDING FOOTPRINT (TYP)
EXISTING 100' MODOT RIGHT OF WAY (TYP)
NC HWY 112 (SAKURA ROAD) (PUBLIC STATE MAINTAINED ROAD) (TYP)
GREYMONT LANE ACCESS TO REMAIN DURING CONSTRUCTION
PROPOSED CDA LIMITS OF DISTURBED (3.9 AC) (TYP)
DISTRICT BOUNDARY BETWEEN BUNCOMBE COUNTY AND CITY OF ASHEVILLE JURISDICTION
FFE: 2108.0
FFE: 2110.0 2099.3
FFE: 2105.0 2094.3
FFE: 2105.0 2094.3
FFE: 2104
FFE: 2114
2100
PIN 9617-61-6393 BOO TT E. BANKS DB 4024, PAGE 717 PB 145, PAGE 172 VACANT CDA ZONING: COMMERCIAL INDUSTRIAL
PIN 9617-61-3263 ISSAC & ANGEL LISBY DB 5162, PAGE 0198 PB 58, PAGE 9 CDA ZONING: INDUSTRIAL USE: COMMERCIAL
PIN 9617-81-7010 WINSTON-SALEM INDUSTRIES FOR THE BLIND, INC. DB 4432, PAGE 250 PB 93, PAGE 33 CDA ZONING: INDUSTRIAL USE: CHARITY
PIN 9617-80-2837 WINSTON-SALEM INDUSTRIES Phase THREE BLVD, INC DB 4432, PAGE 214 PB 88, PAGE 9 CDA ZONING: INDUSTRIAL USE: VACANT 11.77 ACRES
PROGRESS ENERGY CAROLINAS, INC. (FORMERLY CAROLINA POWER AND LIGHT COMPANY) DB 1771, PAGE 534 USE: ELECTRIC TRANSMISSION
PROPOSED GREYMONT VILLAGE APARTMENTS, LLC DB 4312, PAGE 1177 PB 48, PAGE 102 CDA ZONING: R-3 USE: VACANT
NORTACOL LLC DB 4749 Pg. 1783 PIN 9607-00-3478 CDA ZONING: INDUSTRIAL USE: MANUFACTURING
S47°42'23"E 497.10'
S47°42'09"W 470.25'
S 82°13'36" W 83.83' (TOTAL)
N 82°13'36" E 354.82' (TOTAL)
N WESTSIDE DRIVE 1325.8'
SWEETEN CREEK ROAD
GREYMONT
SITE

VICINITY MAP
(NOT TO SCALE)

DEVELOPMENT DATA

OWNER/DEVELOPER:	GREYMONT VILLAGE APARTMENTS, LLC PO BOX 6846 GREENSBORO, NC 27429	
CONTACT:	DENNIS M. BURTON, PE (336) 275-6159	
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 700 SWANNANOA RIVER ROAD ASHEVILLE, NORTH CAROLINA 28805	
CONTACT:	ERIC GUSCHKE, P.E. (828) 253-3388	
SURVEYOR:	ED HOLMES AND ASSOCIATES P.O. BOX 17325 ASHEVILLE, NC 28816	
CONTACT:	ED HOLMES, PLS (828) 225-6376	
LANDSCAPE ARCHITECT:	DESIGN ASSOCIATES 2393 HENDERSONVILLE ROAD ASHEVILLE, NC 28803	
CONTACT:	CLAY MCKNEY (828) 277-7410	
PIN:	9617-80-7181 9617-90-3437	
PROJECT LOCATION:	GREYMONT LANE ASHEVILLE, NC 28806	
ZONING:	BUNCOMBE COUNTY: CITY OF ASHEVILLE: EXISTING: PROPOSED:	R-3 RM-16 (CT)
SETBACKS:	BUNCOMBE COUNTY: FRONT AND REAR: SIDE: CITY OF ASHEVILLE: FRONT: SIDE AND REAR:	20 FEET 10 FEET 15 FEET 40 FEET
PROJECT AREA:	BUNCOMBE COUNTY: CITY OF ASHEVILLE: TOTAL:	29.34 AC 5.26 AC 34.64 AC
DENSITY:	BUNCOMBE COUNTY: ALLOWED: PROPOSED: CITY OF ASHEVILLE: ALLOWED: PROPOSED:	351 UNITS 348 UNITS 223 UNITS 158 UNITS
BUILDINGS PROPOSED:	BUNCOMBE COUNTY: RESIDENTIAL: COMMUNITY: CITY OF ASHEVILLE: TOTAL:	9 BUILDINGS 1 BUILDING 4 BUILDINGS 14 BUILDINGS
BUILDING HEIGHT:	BUNCOMBE COUNTY: ALLOWED: PROPOSED: CITY OF ASHEVILLE: ALLOWED: PROPOSED:	35 FEET 42.58 FEET 40 FEET 30.5 FEET
BUILDING STORIES:	3-STORY & 3/4 SPLIT LEVEL	
TOTAL GROSS FLOOR AREA:	BUNCOMBE COUNTY: CITY OF ASHEVILLE:	123,536± SF 134,051± SF
PARKING:	BUNCOMBE COUNTY: RESIDENTIAL: ACCESSIBLE: CLUBHOUSE: CITY OF ASHEVILLE: ACCESSIBLE: TOTAL: RESIDENTIAL: DEVELOPMENT:	468 SPACES 1.68/UNIT 18 SPACES 18 SPACES 182 SPACES 1.18/UNIT 6 SPACES 458 SPACES 1.25/UNIT 676 SPACES
BICYCLE PARKING:	BUNCOMBE COUNTY: N/A CITY OF ASHEVILLE (1%): REQUIRED: PROVIDED:	10 SPACES 12 SPACES
TOTAL GRADING AREA:	BUNCOMBE COUNTY: CITY OF ASHEVILLE: TOTAL:	18.3 AC 3.9 AC 22.2 AC
IMPERVIOUS SURFACE AREA:	BUNCOMBE COUNTY EXISTING: PROPOSED: CITY OF ASHEVILLE EXISTING: PROPOSED:	3.24 AC (7.5%) 10.34 AC (23.8%) .06 AC (0%) 3.12 AC (28.5%)
OPEN SPACE REQUIRED:	BUNCOMBE COUNTY: N/A CITY OF ASHEVILLE (15%): REQUIRED: PROVIDED:	62,814 SF 62,817 SF
TREE SAVE AREA:	BUNCOMBE COUNTY: N/A CITY OF ASHEVILLE (20%): REQUIRED: PROVIDED:	121,028 SF 121,057 SF

STAGING PLAN
GRAPHIC SCALE
(IN FEET)
1 inch = 00 ft.

811 Know what's below. Call before you dig.

NORTH

CIVIL DESIGN CONCEPTS, PA

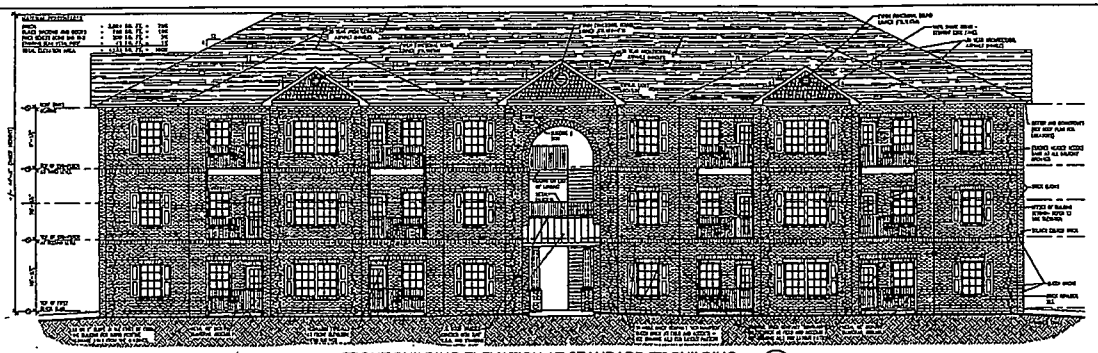
NO.	DESCRIPTION	DATE
1	REVISED PER COMMENTS	07/11/14
2	REVISED PER COMMENTS	07/21/14
3	REVISED PER COMMENTS	08/25/14

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 033867 DENNIS M. GARNER

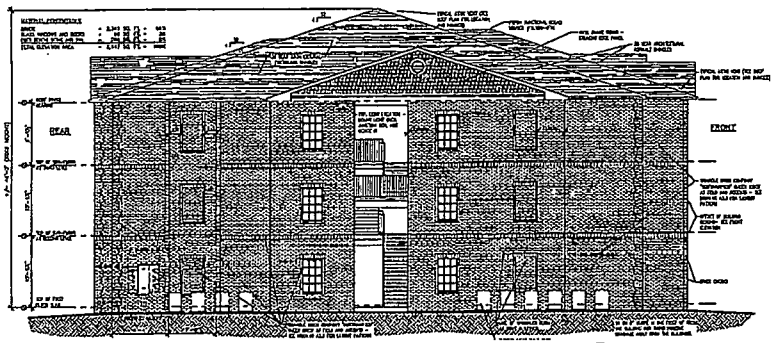
FOR REVIEW ONLY

GREYMONT VILLAGE APARTMENTS
ASHEVILLE, NORTH CAROLINA

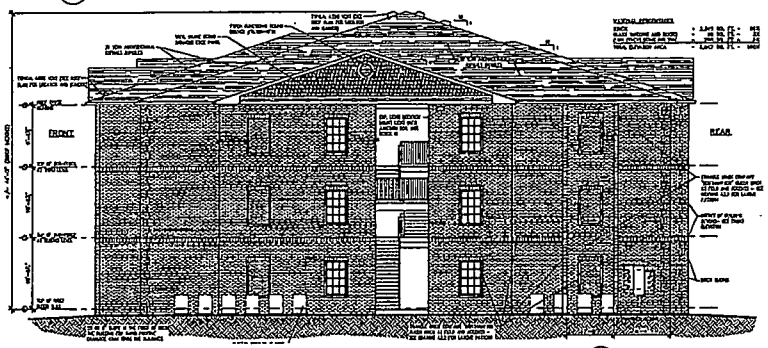
DATE: 08/25/14
DRAWN BY: JMR
CDC PROJECT NO.: 21416
SHEET
C6



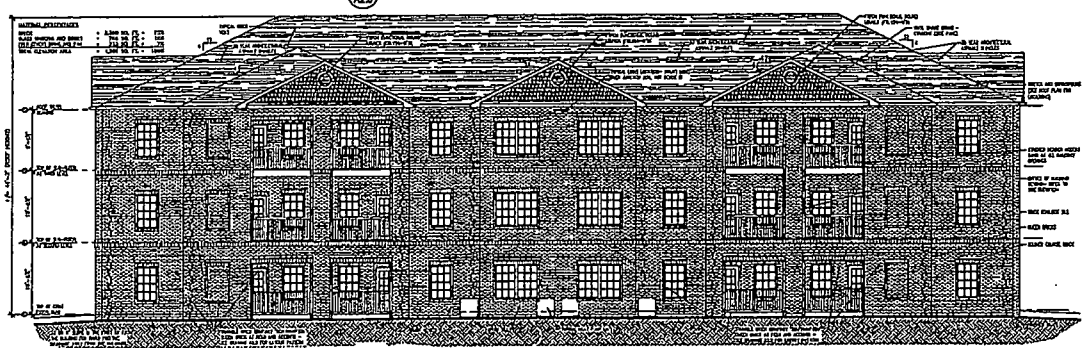
FRONT BUILDING ELEVATION AT STANDARD "T" BUILDING (1 A2.0)
SCALE 1/8" = 1'-0"



LEFT SIDE ELEVATION AT STANDARD "T" BUILDING (2 A2.0)
SCALE 1/8" = 1'-0"



RIGHT SIDE ELEVATION AT STANDARD "T" BUILDING (3 A2.0)
SCALE 1/8" = 1'-0"



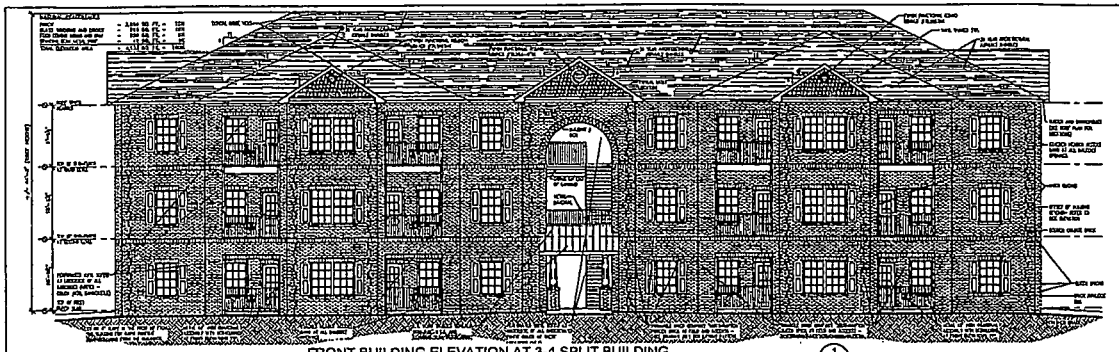
REAR BUILDING ELEVATION AT STANDARD "T" BUILDING (4 A2.0)
SCALE 1/8" = 1'-0"

DEVELOPMENT DATA

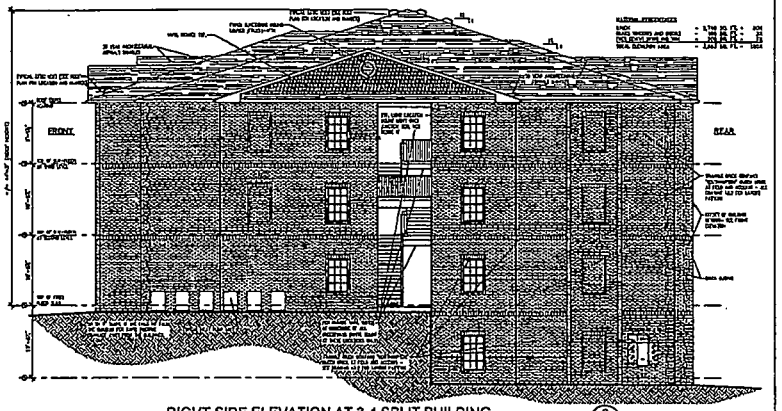
OWNER\DEVELOPER:	GREYMONT VILLAGE APARTMENTS, LLC PO BOX 6848 GREENSBORO, NC 27429	PIN:	9631-90-3837 9631-90-7581
CONTACT:	DENNIS H. BURTON, PE (336) 373-6150	PROJECT LOCATION:	GREYMONT LANE ASHEVILLE, NC 28803
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 200 SWANNANOA RIVER ROAD ASHEVILLE, NORTH CAROLINA 28805	ZONING:	BUNCOMBE COUNTY: R-3 CITY OF ASHEVILLE: EXISTING: RM PROPOSED: RM-16 (CD)
CONTACT:	JESSE GARDNER, P.E. (828) 253-3338	SETBACKS:	BUNCOMBE COUNTY: FRONT AND REAR: 20 FEET SIDE: 10 FEET CITY OF ASHEVILLE: FRONT: 15 FEET SIDE AND REAR: 40 FEET
SURVEYOR:	ED MOORE AND ASSOCIATES P.O. BOX 17333 ASHEVILLE, NC 28816		
CONTACT:	ED MOORE, PLS (828) 253-6378		
LANDSCAPE ARCHITECT:	DESIGN ASSOCIATES 1293 HENDERSONVILLE ROAD ASHEVILLE, NC 28803	PROJECT AREA:	BUNCOMBE COUNTY: 29.36 AC CITY OF ASHEVILLE: 11.64 AC TOTAL: 41.0 AC
CONTACT:	CLAY HICKEY (828) 277-7410		

A2.0 APARTMENT ELEVATIONS (STANDARD T)	25 JUNE 2014	**GREYMONT** SARDIS ROAD ASHEVILLE, BUNCOMBE COUNTY, NORTH CAROLINA	C.I.P. CONSTRUCTION COMPANY 201 North Elm Street, Greensboro, N.C. Phone (336) 275-6198 Fax (336) 333-0084

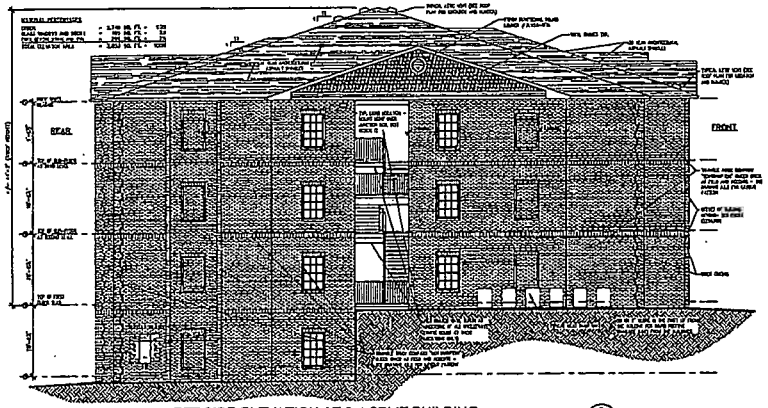
9.4h



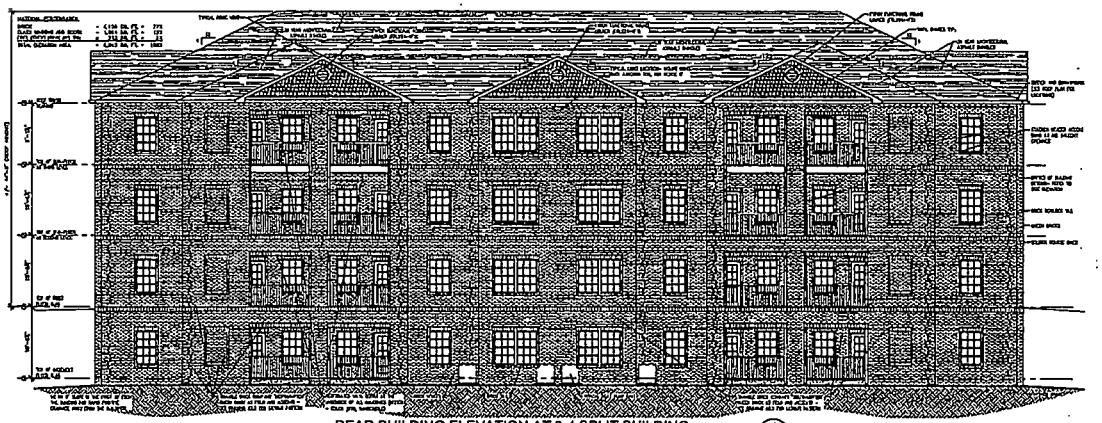
FRONT BUILDING ELEVATION AT 3-4 SPLIT BUILDING
SCALE: 1/8" = 1'-0"
1 / A2.1



RIGHT SIDE ELEVATION AT 3-4 SPLIT BUILDING
SCALE: 1/8" = 1'-0"
2 / A2.1



LEFT SIDE ELEVATION AT 3-4 SPLIT BUILDING
SCALE: 1/8" = 1'-0"
3 / A2.1



REAR BUILDING ELEVATION AT 3-4 SPLIT BUILDING
SCALE: 1/8" = 1'-0"
4 / A2.1

DEVELOPMENT DATA

OWNER/DEVELOPER:	GREYMONT VILLAGE APARTMENTS, LLC PO BOX 8048 GREENSBORO, NC 27419	PIN:	9617-60-3837 9616-79-7981
CONTACT:	DENNIS M. BURTON, PE (336) 275-6198	PROJECT LOCATION:	GREYMONT LANE ASHEVILLE, NC 28806
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 200 SWANNANOA RIVER ROAD ASHEVILLE, NORTH CAROLINA 28805	ZONING:	BUNCOMBE COUNTY: R-3 CITY OF ASHEVILLE: EXISTING: RS PROPOSED: RM-16 (CZ)
CONTACT:	ALICE GARDNER, P.E. (828) 252-9388	SETBACKS:	BUNCOMBE COUNTY: FRONT AND REAR: 25 FEET SIDE: 10 FEET CITY OF ASHEVILLE: FRONT: 15 FEET SIDE AND REAR: 40 FEET
SURVEYOR:	ED HOLMES AND ASSOCIATES P.O. BOX 17235 ASHEVILLE, NC 28816		
CONTACT:	ED HOLMES, PLS (828) 253-4378	PROJECT AREA:	BUNCOMBE COUNTY: 29.34 AC CITY OF ASHEVILLE: 11.84 AC TOTAL: 41.18 AC
LANDSCAPE ARCHITECT:	DESIGN ASSOCIATES 1293 HENDERSONVILLE ROAD ASHEVILLE, NC 28803		
CONTACT:	CLAY MOONEY (828) 277-7410		

A2.1 APARTMENT ELEVATIONS (3-4 SPLITS)	25 JUNE 2014	**GREYMONT** SARDIS ROAD ASHEVILLE, BUNCOMBE COUNTY, NORTH CAROLINA	C.I.P. CONSTRUCTION COMPANY 201 North Elm Street, Greensboro, N.C. Phone (336) 275-6198, Fax (336) 333-0084

ORDINANCE NO. 4413

AN ORDINANCE AMENDING ARTICLE II, DIVISION 1, SECTIONS 24 AND 25 OF APPENDIX C OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

Section 1: That Article II, Division I, Section 25 (b) of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Thirty miles per hour, City system) be amended to remove:

Glendale Avenue, between Dogwood Lane and Fairview Road

Liberty Street, between Fairview Road and Merchant Street

Pinecroft Road, in its entirety

Section 2: That Article II, Division I, Section 23 (b) of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Twenty miles per hour, City system) be amended to include:

Sunset Drive from Baird Street to Griffing BLVD-N

Section 3: That Article II, Division I, Section 24 (b) of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Twenty Five miles per hour, City system) be amended to include:

Glendale Avenue, from Dogwood Lane to Fairview Road

Liberty Street from Fairview Road to Merchant Street

Pinecroft Road from Beaverdam Road to End of City Maintenance

Section 4: That all Ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed.

Section 5: That this Ordinance shall be in full force and effect upon adoption by the City of Asheville and the erection of signs giving notice of the authorized speed limit.

Read, approved and adopted this 26th day of May, 2015.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

479

ORDINANCE NO. 4414

ORDINANCE AMENDING A PREVIOUSLY APPROVED CONDITIONAL ZONING (ORDINANCE NO. 4241) FOR PROPERTY(S) LOCATED AT ROBERTS STREET, CLINGMAN AVENUE EXTENSION AND PARK AVENUE (NORTH)

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City, and determined to be reasonable and in the public interest for the following reasons:

a. The proposal supports the strategies found in the City's comprehensive plan on encouraging mixed-use development, especially in areas walkable to downtown and proximate to transit;
b. The proposal supports the goal found in the City's comprehensive plan of pursuing more intense infill development where appropriate; and
c. The design and uses create a pedestrian-oriented streetscape along Roberts Street and part of Clingman Avenue Extension.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PINs 9648.07-2183 and 9648.06-1953 recorded in Deed Book 5292, Page 977 and currently owned by RAD Lofts LLC from Urban Place Conditional Zone to Urban Place Conditional Zone district. A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1" and substantial compliant with the site plans shown in Exhibit "C", both attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 26th day of May, 2015.

Magdalen Bolleson
City Clerk

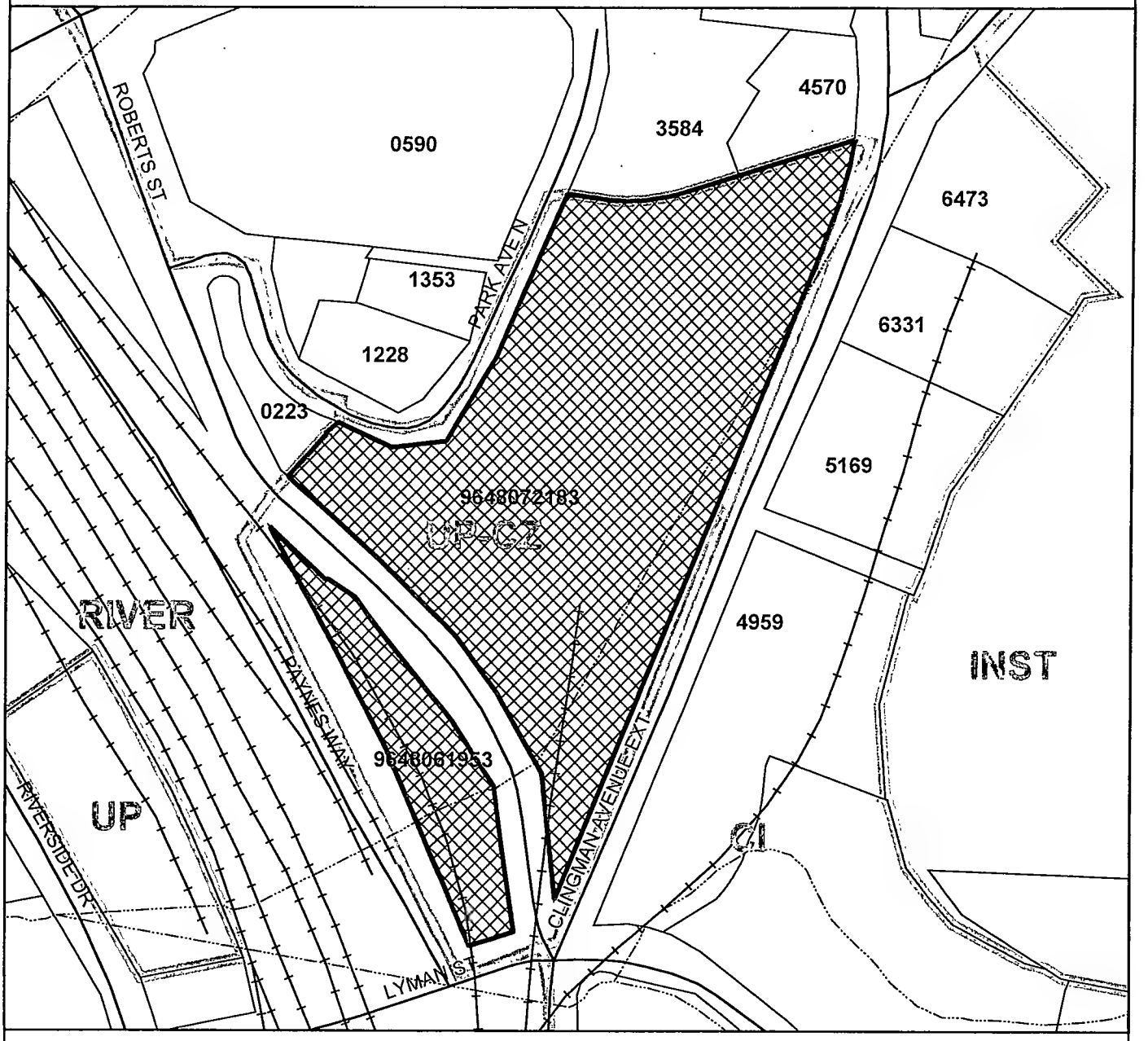
Esther E. Manheimer
Mayor

Approved as to form:

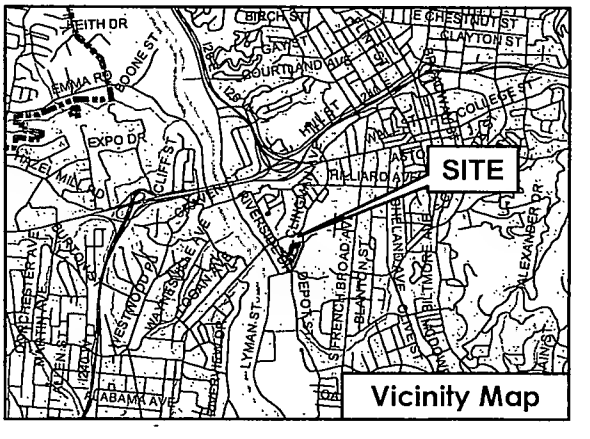
City Attorney

Magdalen Bolleson
City Clerk

City of Asheville - Exhibit A Map
CZ - RAD Lofts Amendment



Project Name:	RAD Lofts (Amendment)
Project Number:	13 - 03925
Project Description:	Mixed-use development
Petitioner(s):	Matt Sprouse
Parcel ID Number(s):	9648.07-2183
	9648.06-1953
Location/Address:	146 Roberts Street



Project Site | Parcels | Zoning Districts | Asheville City Limits | Streets | Streams

City of Asheville Planning and Development Department - March 2015

EXHIBIT B-1
CONDITIONS
RAD LOFTS AMENDMENT

1. Approval is for conditional zoning to UP-CZ (Urban Place District) for the construction and use of the property for a mixed-use development as described herein. This is an amendment to a previously approved project (ordinance no. 4241, dated October 22, 2013).
2. The project site consists of two separate parcels with a combined area of approximately 3.26 acres and frontage on Roberts Street, Clingman Avenue Extension and Park Avenue (north) in the River Arts District. The main parcel for development is 2.88 acres in size and the second parcel (0.379 acres) is located across Roberts Street to the south.
3. The project shall contain a total of 243 residential units with 146 1-bedroom and 97 2-bedroom units; 19,378 SF of retail space along Roberts Street; and 8,578 SF of office space.
4. There will be two levels of parking and five levels of retail/office/residential spaces but with the existing grade change on site, the overall height varies. The building is 60' on Clingman and 68' from Roberts Street. No building shall exceed 80' in height.
5. There will be two driveways, one on each frontage, into the structured parking, which shall contain 343 spaces. There will be a 24-space surface parking lot across Roberts Street and approximately 8 on-street parking spaces will be created through streetscape improvements.
6. Landscaping is required on the site and must include street trees along all road frontages, building impact plantings, parking deck and dumpster screening and parking lot landscaping with a street buffer. Open space is also required in this zoning district, equal to 5% of the lot area.
7. The residential density is 75 units per acre. This is an additional 34 units which is a 16% increase from the previous approval (ordinance no. 4241) which was the UP district maximum of 64 units per acre.
8. Five percent of the units shall be designated as affordable by the City standards. The remaining 95% of the units will be leased at or below the City's rates for workforce housing for the first full year of operation. Following the first year, the owner/developer may increase the workforce rental rates in an amount not to exceed 3% per year as indicated on the attached Schedule B1-a. Affordable unit rental rates shall be at or below the City's annual published rates. This condition is in effect for a period of ten years from initial CO (certificate of occupancy).
9. The footprint of the building is 82,531 SF (an increase of 65% from the UP maximum of 50,000 SF) and the gross floor area is 421,489 SF (an increase of 111% from the UP maximum of 200,000 SF).
10. Sidewalks must be at least 6.5' along the surface parking lot on Roberts Street and between 7.5' -12' along Clingman Avenue. There is an existing 5' sidewalk along Park Avenue and the sidewalk along the building side of Roberts Street will be a minimum of 10'. These conditions allow reductions from the 10' minimum width in the UP district.
11. As the site plan indicates, the parking deck landscaping is reduced to 4 trees based on the existing site conditions where a grade change effectively shields the exposed deck levels and creates challenges to planting.
12. The setback in one location along Roberts Street is greater than the UP district maximum of 15' and shall be as indicated on the site plan.
13. The distance between entrances is as shown on the site plan on both Roberts Street (up to 85' between entrances) and Clingman Avenue Extension (up to 153' between entrances).
14. The site plan shows greater spacing for windows and less ground-level fenestration on Clingman Avenue Extension (down to 22% fenestration at the ground-level). An active pedestrian feel will

be created along this corridor by the inclusion of street furniture, public art attached to the building, interpretive signage regarding the history of the area and creative screening on the parking deck openings.

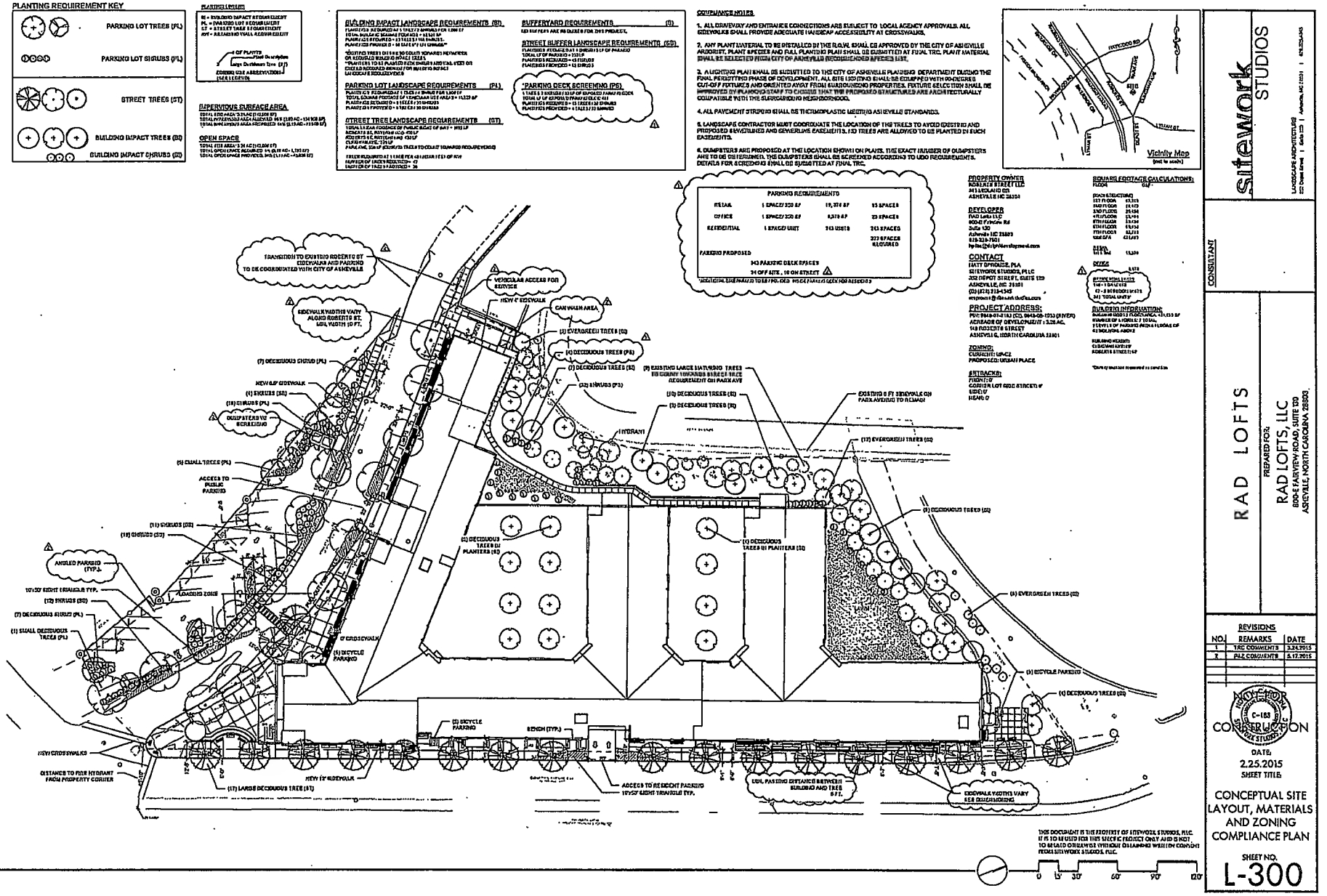
15. The building design, site design, construction materials, and orientation on site must substantially comply with the site plan attached hereto as Exhibit C and incorporated herein by reference and the final approved site plan that is incorporated into the zoning permit. Any major deviations from these plans will require reconsideration of the project by the reviewing boards.
16. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.

RAD Lofts
City Tax Abatement Agreement Rental Rates

Affordable housing and workforce housing rents established based on 2015 rental limits.
LUIG Benefits to commence in the year in which the Certificate of Occupany is awarded (Year 1), anticipated to be 2017.
Rent w no utilities

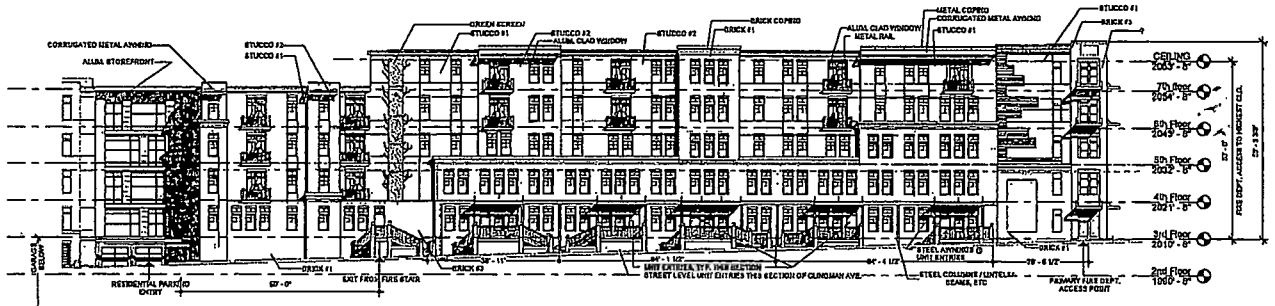
Workforce Housing		Year 1 (2017)	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
231 Units	2015 (Base Year)	3%	3%	3%	3%	3%	3%	3%	3%	3%	3%
1BD	1,267	$1,305.01	$1,344.16	$1,384.49	$1,426.02	$1,468.80	$1,512.86	$1,558.25	$1,605.00	$1,653.15	$1,702.74
2BD	1,418	$1,460.54	$1,504.36	$1,549.49	$1,595.97	$1,643.85	$1,693.17	$1,743.96	$1,796.28	$1,850.17	$1,905.67

B.1a 484

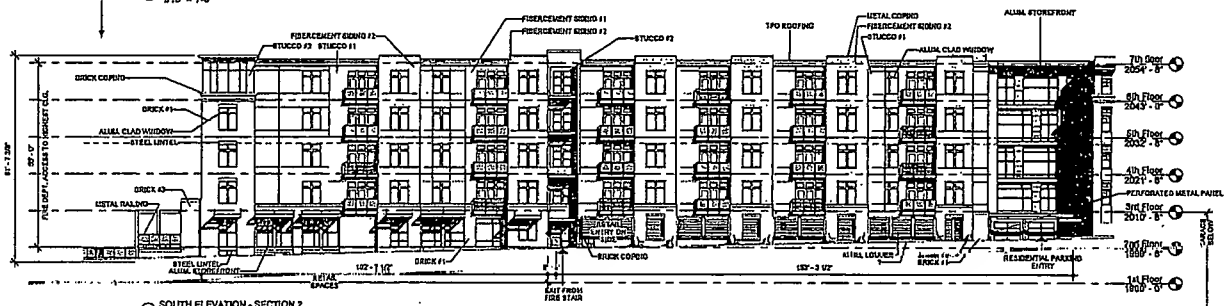

PLANTING REQUIREMENT KEY
PARKING LOT TREES (PL)
PARKING LOT SHRUBS (PL)
STREET TREES (ST)
BUILDING IMPACT TREES (BI)
BUILDING IMPACT SHRUBS (BI)
PLANTING LEGEND
BUILDING IMPACT LANDSCAPE REQUIREMENTS (BI)
BUFFERYARD REQUIREMENTS (B)
STREET BUFFER LANDSCAPE REQUIREMENTS (SB)
PARKING LOT LANDSCAPE REQUIREMENTS (PL)
STREET TREE LANDSCAPE REQUIREMENTS (ST)
*PARKING DECK SCREENING (PS)
IMPERVIOUS SURFACE AREA
OPEN SPACE
COMPLIANCE NOTES
1. ALL DRIVEWAY AND ENTRANCE CONNECTIONS ARE SUBJECT TO LOCAL AGENCY APPROVALS. ALL SIDEWALKS SHALL PROVIDE ADEQUATE HANDICAP ACCESSIBILITY AT CROSSWALKS.
2. ANY PLANT MATERIAL TO BE INSTALLED IN THE R.O.W. SHALL BE APPROVED BY THE CITY OF ASHEVILLE ARBORIST. PLANT SPECIES AND FULL PLANTING PLAN SHALL BE SUBMITTED AT FINAL TRC. PLANT MATERIAL SHALL BE SELECTED FROM CITY OF ASHEVILLE RECOMMENDED SPECIES LIST.
3. A LIGHTING PLAN SHALL BE SUBMITTED TO THE CITY OF ASHEVILLE PLANNING DEPARTMENT DURING THE FINAL PERMITTING PHASE OF DEVELOPMENT. ALL SITE LIGHTING SHALL BE ECLIPSED WITH SHOEBOX CUT-OFF FIXTURES AND ORIENTED AWAY FROM SURROUNDING PROPERTIES. FIXTURE SELECTION SHALL BE APPROVED BY PLANNING STAFF TO ENSURE THAT THE PROPOSED STRUCTURES ARE ARCHITECTURALLY COMPATIBLE WITH THE SURROUNDING NEIGHBORHOOD.
4. ALL PAVEMENT STRIPING SHALL BE THERMOPLASTIC MEETING ASHEVILLE STANDARDS.
5. LANDSCAPE CONTRACTOR MUST COORDINATE THE LOCATION OF THE TREES TO AVOID EXISTING AND PROPOSED ELEVETIONS AND GENERLINE EASEMENTS. NO TREES ARE ALLOWED TO BE PLANTED IN SUCH EASEMENTS.
6. DUMPSTERS ARE PROPOSED AT THE LOCATION SHOWN ON PLANS. THE EXACT NUMBER OF DUMPSTERS ARE TO BE DETERMINED. THE DUMPSTERS SHALL BE SCREENED ACCORDING TO UDO REQUIREMENTS. DETAILS FOR SCREENING SHALL BE SUBMITTED AT FINAL TRC.
PARKING REQUIREMENTS
PARKING PROPOSED
343 PARKING DECK SPACES
24 OFF-SITE, 10 ON STREET
Vicinity Map
PROPERTY OWNER
CONTACT
DEVELOPER
PROJECT ADDRESS:
ZONING:
SETBACKS:
SQUARE FOOTAGE CALCULATIONS:
DENSITY
TRANSITION TO EXISTING ROBERTS ST. SIDEWALK AND PARKING TO BE COORDINATED WITH CITY OF ASHEVILLE
SIDEWALK WIDTHS VARY ALONG ROBERTS ST. 10FT. WIDTH
VEHICULAR ACCESS FOR SERVICE
NEW 6' SIDEWALK
CAR WASH AREA
DUMPSTERS W/ SCREENING
NEW 6' SIDEWALK
ACCESS TO PUBLIC PARKING
ANGLED PARKING (TYP.)
LOADING ZONE
10'x20' SIGHT TRIANGLE TYP.
6' CROSSWALK
NEW CROSSWALKS
DISTANCE TO FIRE HYDRANT FROM PROPERTY CORNER
NEW 5' SIDEWALK
ACCESS TO RESIDENT PARKING
10'x20' SIGHT TRIANGLE TYP.
EXISTING 5 FT SIDEWALK ON PARK AVENUE TO REMAIN
HYDRANT
BENCH (TYP.)
EXIST. PASSING DISTANCE BETWEEN BUILDING AND TREE 6 FT.
SIDEWALK WIDTHS VARY SEE BUILDING
0 15' 30' 60' 90' 120'
THIS DOCUMENT IS THE PROPERTY OF SITEWORK STUDIOS, PLLC. IT IS TO BE USED FOR THIS SPECIFIC PROJECT ONLY AND IS NOT TO BE USED ON ANY WORK WITHOUT OBTAINING WRITTEN CONSENT FROM SITEWORK STUDIOS, PLLC.
sitework STUDIOS
LANDSCAPE ARCHITECTURE
CONSULTANT
RAD LOFTS
PREPARED FOR:
RAD LOFTS, LLC
800-E FAIRVIEW ROAD, SUITE 120
ASHEVILLE, NORTH CAROLINA 28803
REVISIONS
NO. | REMARKS | DATE
1 | TRC COMMENTS | 3.24.2015
2 | PAZ COMMENTS | 5.12.2015
NOT FOR CONSTRUCTION
DATE:
2.25.2015
SHEET TITLE:
CONCEPTUAL SITE LAYOUT, MATERIALS AND ZONING COMPLIANCE PLAN
SHEET NO.
L-300

485

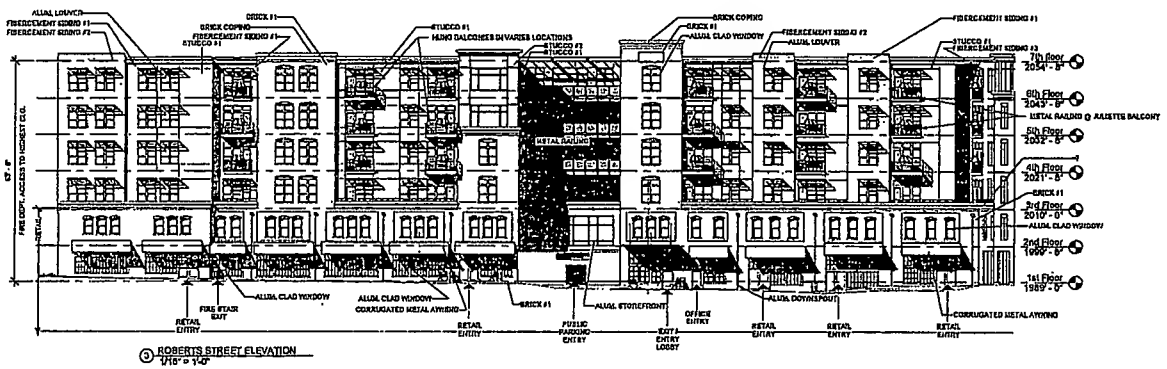
Exhibit C



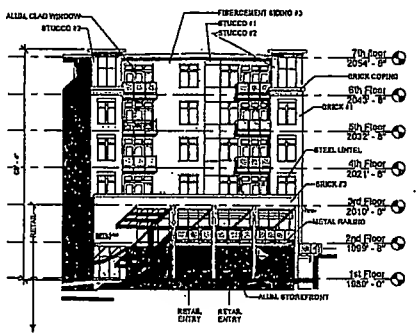
① SOUTH ELEVATION - SECTION 1
1/16" = 1'-0"



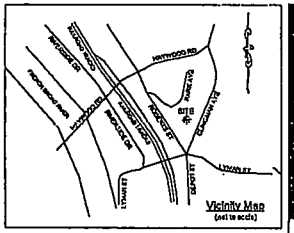
② SOUTH ELEVATION - SECTION 2
1/16" = 1'-0"



③ ROBERTS STREET ELEVATION
1/16" = 1'-0"



④ CLINGMAN / ROBERTS INTERSECTION
1/16" = 1'-0"



PROPERTY OWNER
ROBERTS STREET LLC
343 MIDLAND DR
ASHEVILLE NC 28804

DEVELOPER
RAD Lofts LLC
800 E Firestone Rd
Suite 120
Greenville SC 29607
828-234-1901
kgillen@radlofts.com

CONTACT
KATE KINGSLEY, PLA
SITEWORX STUDIOS, PLLC
332 DEPOT STREET, SUITE 120
ASHEVILLE, NC 28801
(O) (828) 225-4945
projects@siteworxstudios.com

PROJECT ADDRESS:
PIN: 9648-67-5847.00, 9648-68-1057.00 (PORTION)
ACREAGE OF DEVELOPMENT: 2.28 AC.
148 ROBERTS STREET
ASHEVILLE, NORTH CAROLINA 28801

ZONING:
CURRENT: UMUC
PROPOSED: URBAN PLACE

SETBACKS:
FRONT: 0'
CORNER LOT SIDE STREET: 0'
SIDE: 0'
REAR: 0'

SQUARE FOOTAGE CALCULATIONS:
FLOOR — SQ.F.
BASE STRUCTURE
1ST FLOOR 11,704
2ND FLOOR 15,483
3RD FLOOR 15,483
4TH FLOOR 15,483
5TH FLOOR 15,483
6TH FLOOR 15,483
7TH FLOOR 13,291
BASE SQ.FT. 121,409
TOTAL 124,409
ACCESS 3,324
PROPOSED UNITS
142 - 1 BR UNITS
71 - 2 BEDROOM UNITS
213 TOTAL UNITS

PARKING DETERMINATION
[illegible]

ROWHOUSE ARCHITECTS

Key Plan

RAD LOFTS
PREPARED FOR:
RAD LOFTS, LLC
ASHEVILLE, NORTH CAROLINA

REVISIONS		
NO.	REMARKS	DATE

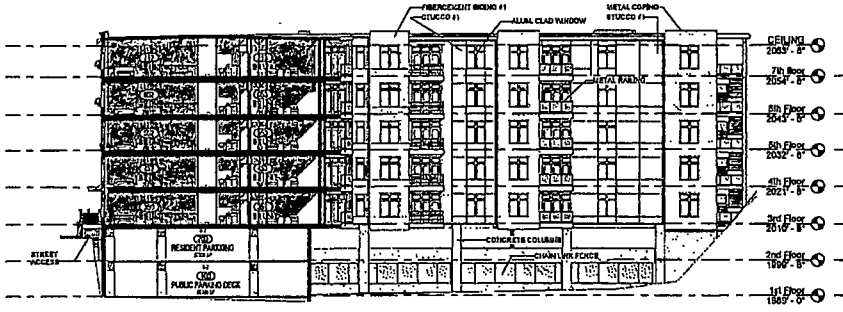
NOT FOR CONSTRUCTION

DATE:
3.14.18

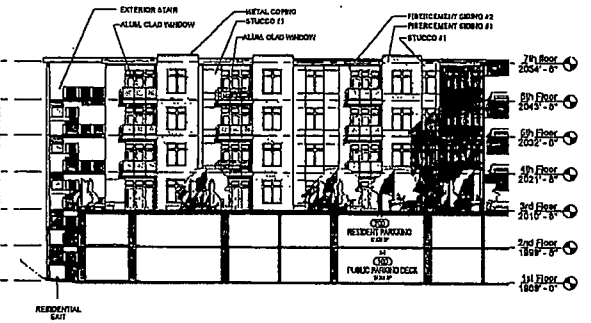
SHEET TITLE:
ELEVATIONS

SHEET NO.
TRC - A.1

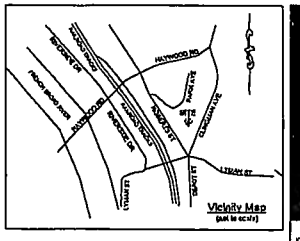
A-984



1 7 STORY WING - RIGHT
1/16" = 1'-0"



2 6 STORY WING - LEFT
1/16" = 1'-0"



PROPERTY OWNER
ROBERTS STREET LLC
343 HOLLAND DR
ASHEVILLE NC 28804

DEVELOPER
RAD Lofts LLC
600-B Fairview Rd
Suite 120
Asheville NC 28803
828-338-7101

CONTACT
MATT BARRELLE, PLA
GILLSMORE STUDIO II, PLLC
333 DEPOT STREET, SUITE 120
ASHEVILLE, NC 28801
(O) (828) 225-4943

PROJECT ADDRESS:
148 ROBERTS STREET
ASHEVILLE, NORTH CAROLINA

ZONING
CURRENTLY: UF-C2
PROPOSED: URBAN PLACE

SETBACKS:
FRONT: 0'
CORNER LOT SIDE STREET: 0'
SIDE: 0'
REAR: 0'

SQUARE FOOTAGE CALCULATIONS:

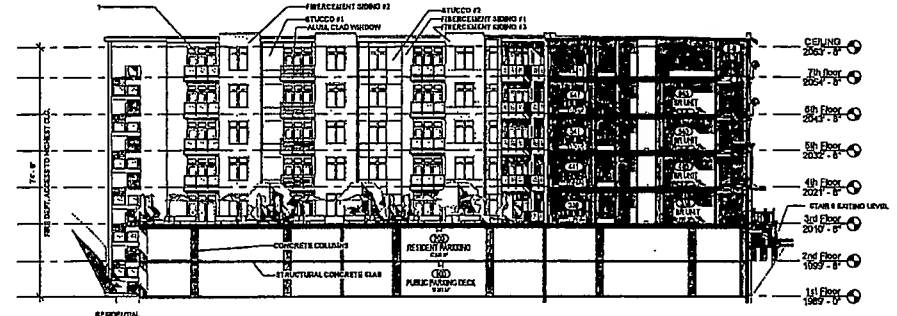
FLOOR	SF
BASEMENT/GROUND	
1ST FLOOR	11,279
2ND FLOOR	14,453
3RD FLOOR	14,453
4TH FLOOR	13,484
5TH FLOOR	13,484
6TH FLOOR	13,484
7TH FLOOR	13,484
ROOF DECK	7,211
TOTAL GFA	121,429

RETAIL
1st & 2nd 19,331

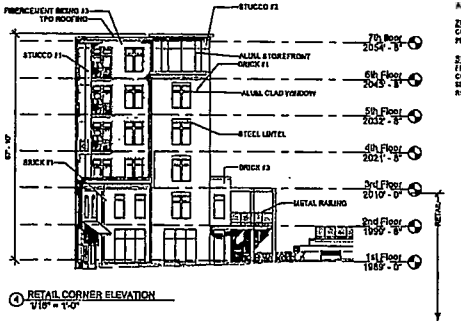
OFFICE
5,678

RESIDENTIAL UNITS
1st - 1 BR UNITS
2nd - 2 BEDROOM UNITS
2nd TOTAL UNITS

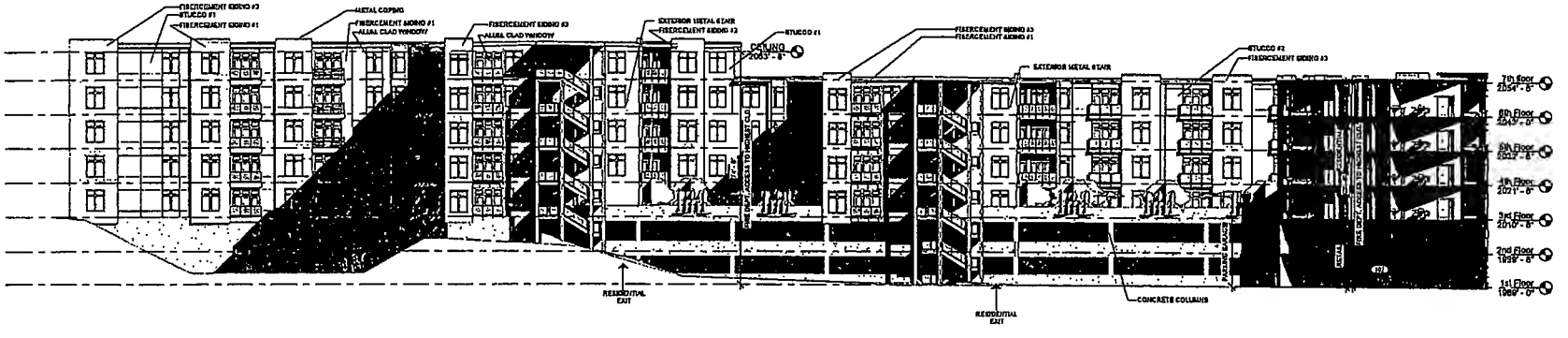
BUILDING INFORMATION



3 7 STORY WING - LEFT
1/16" = 1'-0"



4 RETAIL CORNER ELEVATION
1/16" = 1'-0"



5 PARK STREET ELEVATION
1/16" = 1'-0"

RAD LOFTS

PREPARED FOR:
RAD LOFTS, LLC
ASHEVILLE, NORTH CAROLINA

REVISIONS

NO.	REMARKS	DATE

NOT FOR CONSTRUCTION

DATE:
3.24.15

SHEET TITLE:
ELEVATIONS

SHEET NO.
TRC - A.2

ORDINANCE NO. 4415

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 53 LOGAN CIRCLE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City is determined to be reasonable and in the public interest for the following reasons:

a) The proposal supports the goal found in the City's comprehensive plan of pursuing more intense infill development where appropriate.
b) The proposal supports the goal found in the City's comprehensive plan of infill development that takes advantage of existing infrastructure and is close to transit and alternative transportation options.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9638.87-3150, and, recorded in Deed Book 5269, Page 1585 and currently owned by Wanda and Joel Wingerter from RM-8 (Residential Multi-Family Medium Density) to RM-16 CZ (Residential Multi-Family High Density Conditional Zoning District). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1", and substantially compliant with the site plan as shown on Exhibit C attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 26th day of May, 2015.

Magdalen Burleson
City Clerk

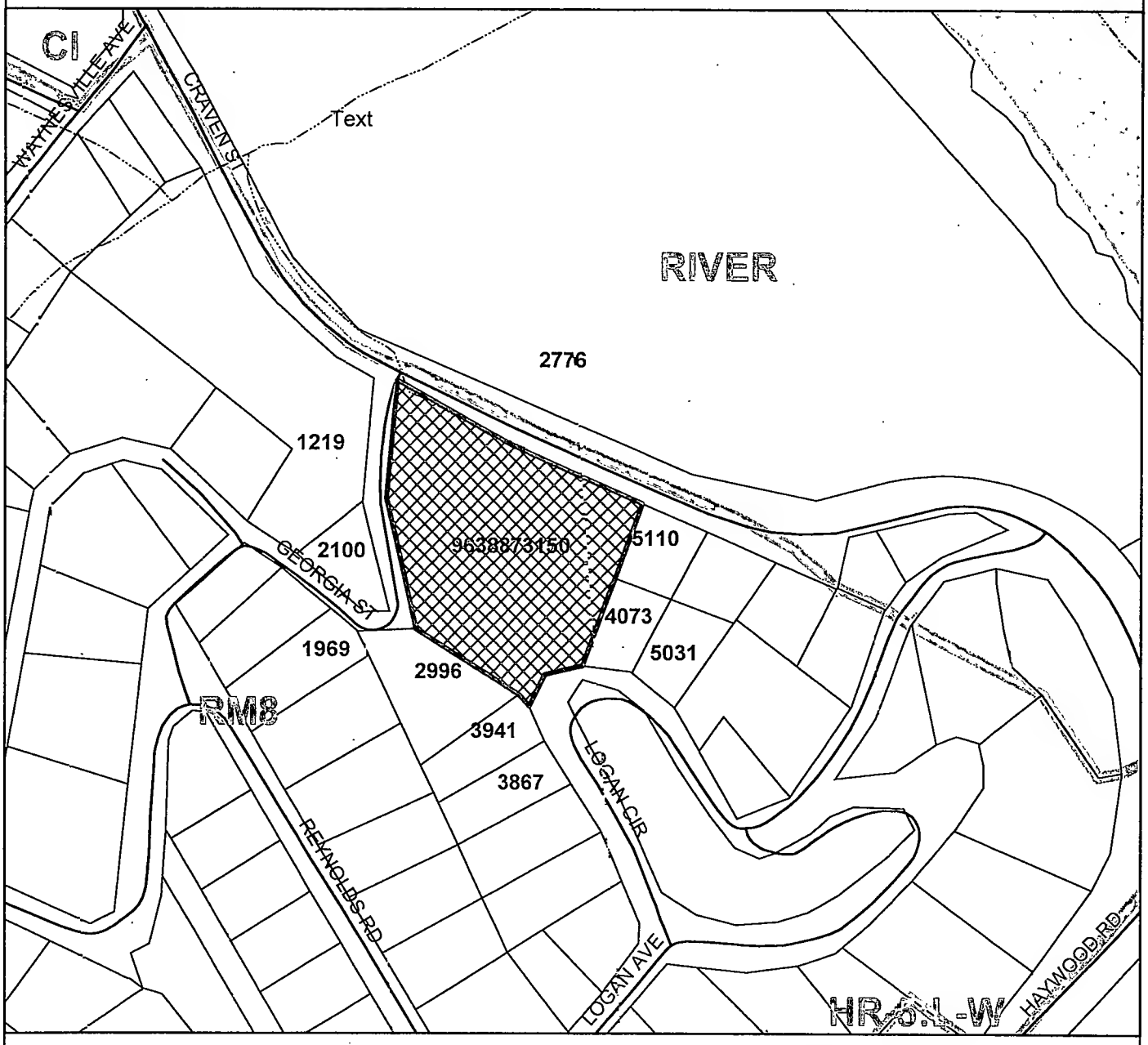
Mayor

Approved as to form:

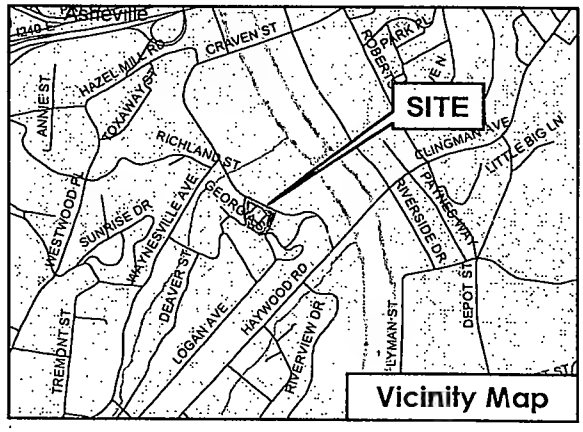
City Attorney

Magdalen Burleson
City Clerk

City of Asheville - Exhibit A Map
Conditional Zoning Review - Brewery River Row



Project Name:	Conditional Zoning Review
Project Number:	15-02403PZ
Project Description:	16 Townhome units
Petitioner(s):	Joel & Wanda Wingerter
Parcel ID Number(s):	9638-87-3150
Location/Address:	53 Logan Circle



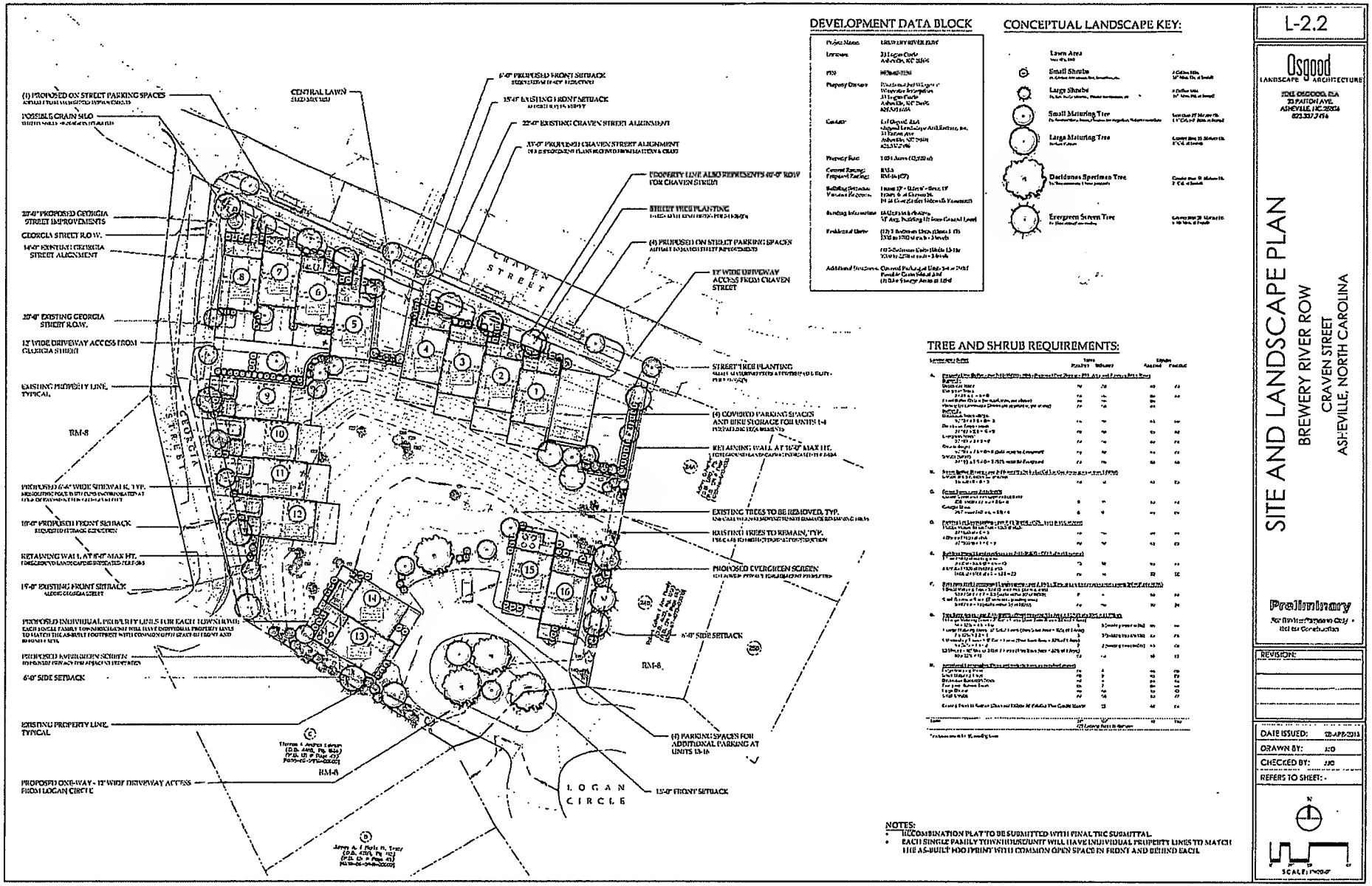
Project Site | Parcels | Zoning Districts | Asheville City Limits | Streets | Streams

City of Asheville Planning and Urban Design Department - March 2015

Brewery River Row
EXHIBIT B-1 CONDITIONS

1. Approval is for conditional zoning to RM-16-CZ (Residential Multi-Family High Density Conditional Zoning District) for the construction of 16 townhomes.
2. Plans indicate 16 townhomes that are 2 and 3 bedrooms, and are a maximum height of 37 feet above ground level.
3. The townhomes on Craven Street will have a setback of 6 feet and the townhomes on Georgia Street will have a setback of 10 feet. The townhomes on Logan Circle will meet the standard 15 foot setback.
4. Georgia Street will be improved to a 20-foot pavement width to end of the property line along Georgia Street.
5. Georgia Street must be improved no later than the last phase of the project build-out; Certificates of Occupancy for the Georgia Street units will not be issued until the road is completed.
6. A sidewalk of 6 feet 6 inches will be provided along Georgia Street.
7. A minimum of 20 parking spaces must be provided on-site.
8. The building design, site design, construction materials, and orientation on site must substantially comply with the site plan attached hereto as Exhibit C and incorporated herein by reference and the final approved site plan that is incorporated into the zoning permit. Any major deviations from these plans will require reconsideration of the project by the reviewing boards.
9. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.

Exhibit C: Revised Site Plan



492

ORDINANCE NO. 4415

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO INCLUDE DEFINITION FOR CONSTRUCTION SCREENING AND REVISE THE ALLOWANCES FOR CONSTRUCTION SIGNAGE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Unified Development Ordinance (Chapter 7 of the City Code of Ordinances) currently does not directly address construction screening and construction screening signage; and

WHEREAS, construction screening and construction screening signage are important elements of the site development process, are common in use, and therefore, require regulations in order to protect against visual clutter and provide an aesthetic and visual barrier between active construction sites and the public way; and;

WHEREAS, this proposed change to the ordinance is determined to be consistent with the comprehensive plan and other adopted plans, to be reasonable and in the public interest in that it provides for a method of project identification while protecting pedestrians and motorists from visual distraction and public safety concerns presented by an active construction site.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Chapter 7 of the Code of Ordinances of the City of Asheville is hereby amended as follows:

a. Section 7-2-5 is amended by adding the following definition:

Construction Screening. Temporary and opaque material attached to a perimeter fence or barrier surrounding an active construction site for the purpose of minimizing the visual nuisance and safety issues of the subject site.

b. Section 7-13-2(d) (7) is amended as follows:

(7) Construction Signs.

d. *Freestanding Construction Signs:* Shall be allowed provided such signs do not exceed one sign per street frontage with a maximum of two signs per construction site. Such signs shall not exceed four square feet in area per display face, two faces per sign for single-family or duplex residential construction or 32 square feet in area per display face for multi-family residential or non-residential construction, and a maximum of ten feet in height. A minimum setback of ten feet is required.

e. *Construction Signs Attached to Construction Screening:* When used in lieu of a Freestanding Construction Sign, construction signage may be attached to construction screening materials. Signs may only show the following:

i. Images and/or renderings of the project as it is to be constructed;
ii. Approved site and / or landscaping plans;

iii. The name and contact information of developer(s), contractors and/or financiers engaged in work on the site.

f. Construction signs shall not be erected prior to the issuance of a ~~building~~ grading permit and shall be removed within seven days of the issuance of a certificate of compliance.

Section 2: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3: All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4: This ordinance will become effective upon adoption.

Read, approved, and adopted this 26th day of May, 2015.

Magdalen Bourleson
City Clerk

Edward G. Mercer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

494

ORDINANCE NO. 4417

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE ALLOWING TELECOMMUNICATION TOWER/ SUPPORT STRUCTURE- REPLACEMENT TOWER IN THE TABLE OF PERMITTED USES

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Unified Development Ordinance of the City of Asheville currently provides a definition for telecommunication tower/ support structure – Replacement tower; and

WHEREAS, it has been determined that the table of permitted uses should be amended by clarifying where this is permitted; and

WHEREAS, there is a public interest in maintaining telecommunication infrastructure; and

WHEREAS, the city is also interested in maintaining public safety standards by supporting existing infrastructure for emergency communications; and

WHEREAS, this proposed change to the ordinance is determined to be consistent with the comprehensive plan and other adopted plans and is reasonable in that it will allow for community infrastructure to be maintained and encourages economic growth and investment;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT THE UNIFIED DEVELOPMENT ORDINANCE IS MODIFIED AS NOTED BELOW:

1. Chapter 7, Article VII. Text Amendments and Map Amendments of the Code of Ordinances of the City of Asheville is hereby amended as follows:

   Sec. 7-8-1 (d) regarding Table of Permitted Uses is amended by adding "*Telecommunication tower/ support structure- Replacement tower*" in alphabetical order under the category of "*Other Use Types*":

   RS2- P
   RS4- P
   RS8- P
   RM6- P
   RM8- P
   RM16- P
   NB- P
   OFFI- P
   OFFII- P
   OB- P
   CBI- P
   CBII- P
   NCD- P
   HB- P
   RB- P

CI-	P
CBD-	P
LI-	P
IND-	P
RSRT-	P
INST-	P
RIV-	P
URD-	P
UV-	P
UP-	P

2. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

3. All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

4. This ordinance will become effective upon adoption.

Read, approved and adopted this 26th of May, 2015.

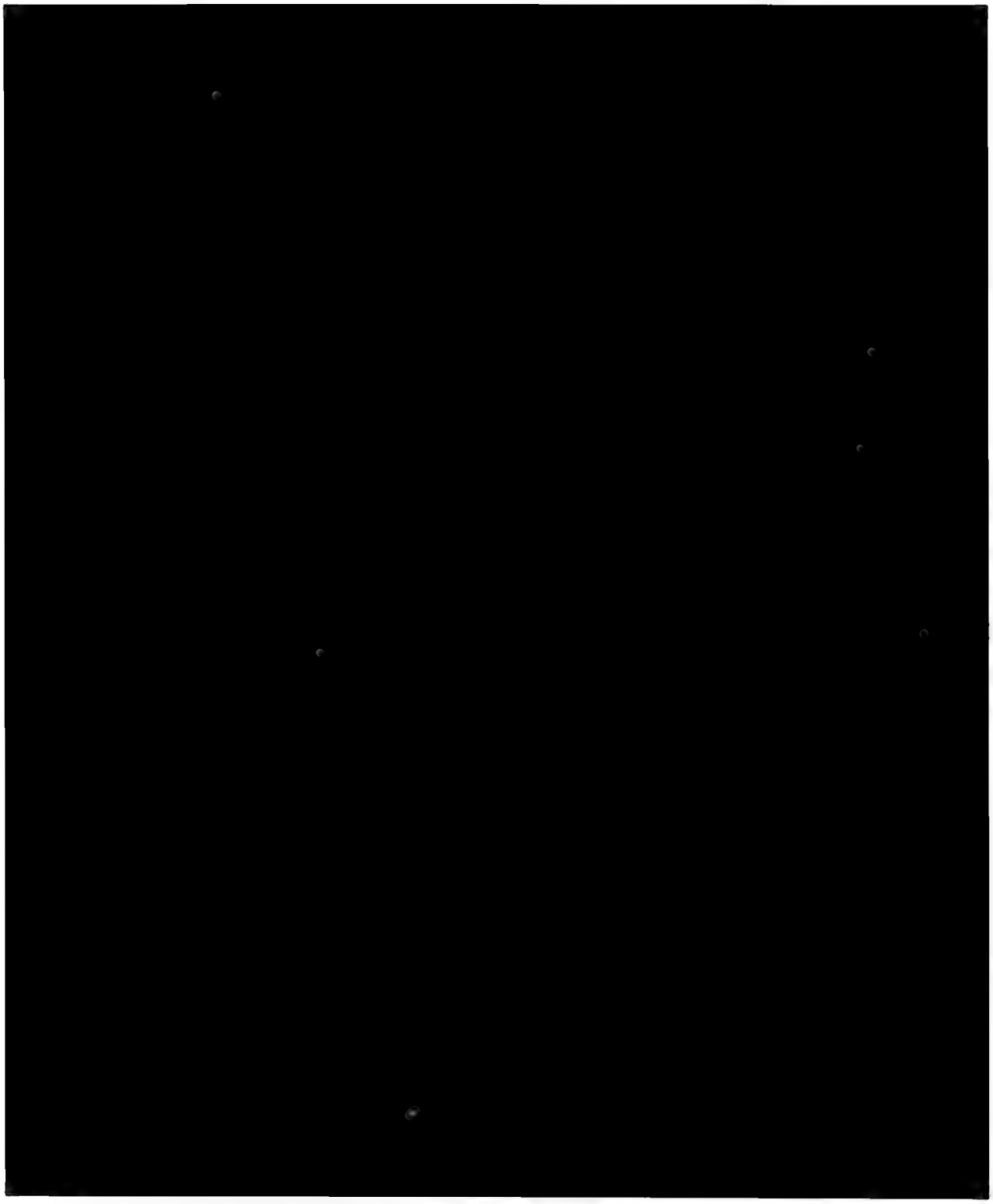
Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk



BUNCOMBE COUNTY

CITY OF ASHEVILLE

CITY COUNCIL

ORDINANCES

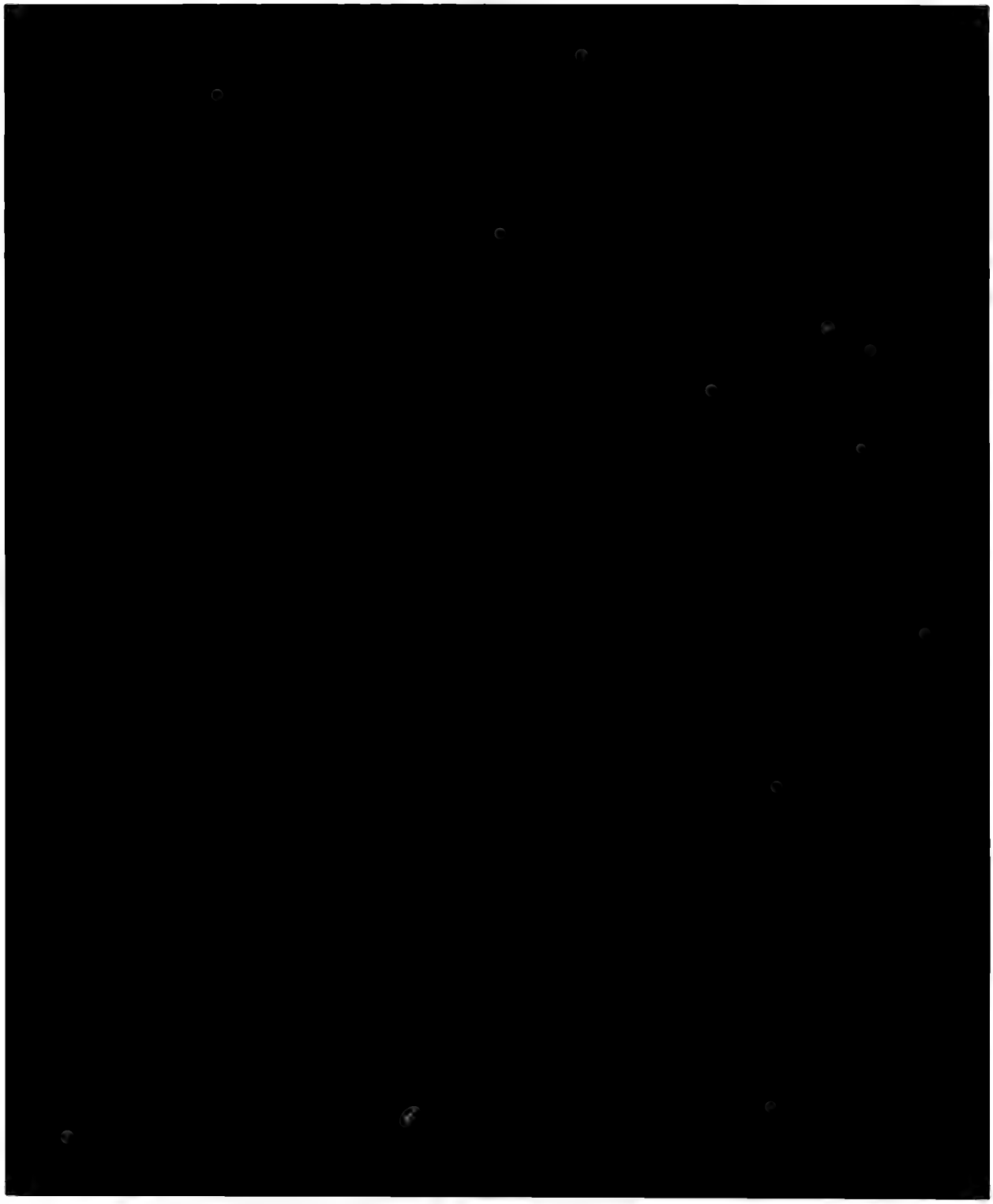
MINUTES

VOLUME: 30

(JUNE 9, 2015 – OCTOBER 25, 2016)

(PAGES: INDEX - 433)

(ORDINANCES No: O-2015-4418 – O-2016-4530)



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ORDINANCE NO. 4418

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 9th day of June, 2015.

Magdalen Burleson
City Clerk

Edwin E. Mebane
Mayor

Approved as to form:

City Attorney

PURPOSE: Approve funds be appropriated in the Workers' Compensation Fund for the utilization of workers' compensation claim costs through June 30, 2015.

Magdalen Burleson
City Clerk

2.

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2014-15

3. Amendment to Operating _x___ and/or Capital Project ____ appropriation.

Finance	6/9/2015	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: appropriate insurance recovery funds to pay claims expenses

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Insurance Recovery				
81200037 485000	$0.00	$92,963.87	$92,963.87	$92,963.87
Expenditures:				
Claims				
81200037 525002	$999,800.00	$2,585.59	$1,092,763.87	$92,963.87
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4419

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 9th day of June, 2015.

Magdalena Bolleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Approve funds be appropriated in the Capital Transit Fund for the Transportation Department to apply towards the purchase of a new bus to lease to Henderson County.

Magdalena Bolleson
City Clerk

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City of Asheville

Budget Amendment Details

1. Effective Date: 6/9/2015

2. Fiscal Year: 2014-15

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

4. Requesting Department	5. Today's Date	6. Preparer's Name
Finan & Mngt	5/28/2015	

7. Comments/Purpose:	Budget Amendment to appropriate insurance recovery funds to Transportation Department for Henderson County Bus Replacement

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Insurance Recovery			$0	
81300038:485000	0.00	133,057.95	55,262.80	55,262.80
			0.00	
Expenditures:			0.00	
Transfer to Transit Capital Fu			0.00	
81390038:800651	0.00	0.00	55,262.80	55,262.80
			$0	
			$0	
			$0	
Revenue:			$0	
Transfer from Prop & Liab Fund			$0	
65190950:498813:T1023	$0.00	$0.00	$55,262.80	$55,262.80
			$0.00	
Expenditures:			$0.00	
Mach & Equipment			$0.00	
65100950:614101:T1023	$0.00	$0.00	$55,262.80	$55,262.80
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

ORDINANCE NO. 4420

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 9th day of June, 2015.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Kenilworth Court Construction Contract

Magdalen Burleson
City Clerk

6

City of Asheville

Budget Amendment Details

1. Effective Date: 5/12/2015

2. Fiscal Year: 2014-15

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

4. Requesting Department	5. Today's Date	6. Preparer's Name
Parks, Recreation & Cultural Arts	5/19/2015	

7. Comments/Purpose: Kenilworth Court Construction Contract

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
2015 Facility Loan			$0	
41000805:494151:R1502	$0	$0	$298,884	$298,884
			$0	
Expenditures:			$0	
Contracted Services			$0	
41000805:521001:R1502	$0	$0	$298,884	$298,884
			$0	
			$0	
			$0

ORDINANCE NO. 4421

ORDINANCE AMENDING ZONING FOR PROPERTY(S) LOCATED AT 1 BUFFALO STREET

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City, and is determined to be reasonable and in the public interest for the following reasons:

a. The zoning change will encourage the adaptive reuse of vacant property; and
b. Promote compatible infill development within the urban fabric of the city

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

> The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9638-46-7383, and, recorded in Deed Book 4441, Page 1314; and currently owned by SLG Properties, LLC. from Neighborhood Business (NB) district to Residential Multi-Family Medium Density (RM-8) district. A copy of the official zoning map showing said lot is attached hereto as Exhibit "A" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or

phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 6. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 9th day of June, 2015.

Magdalen Burleson
City Clerk

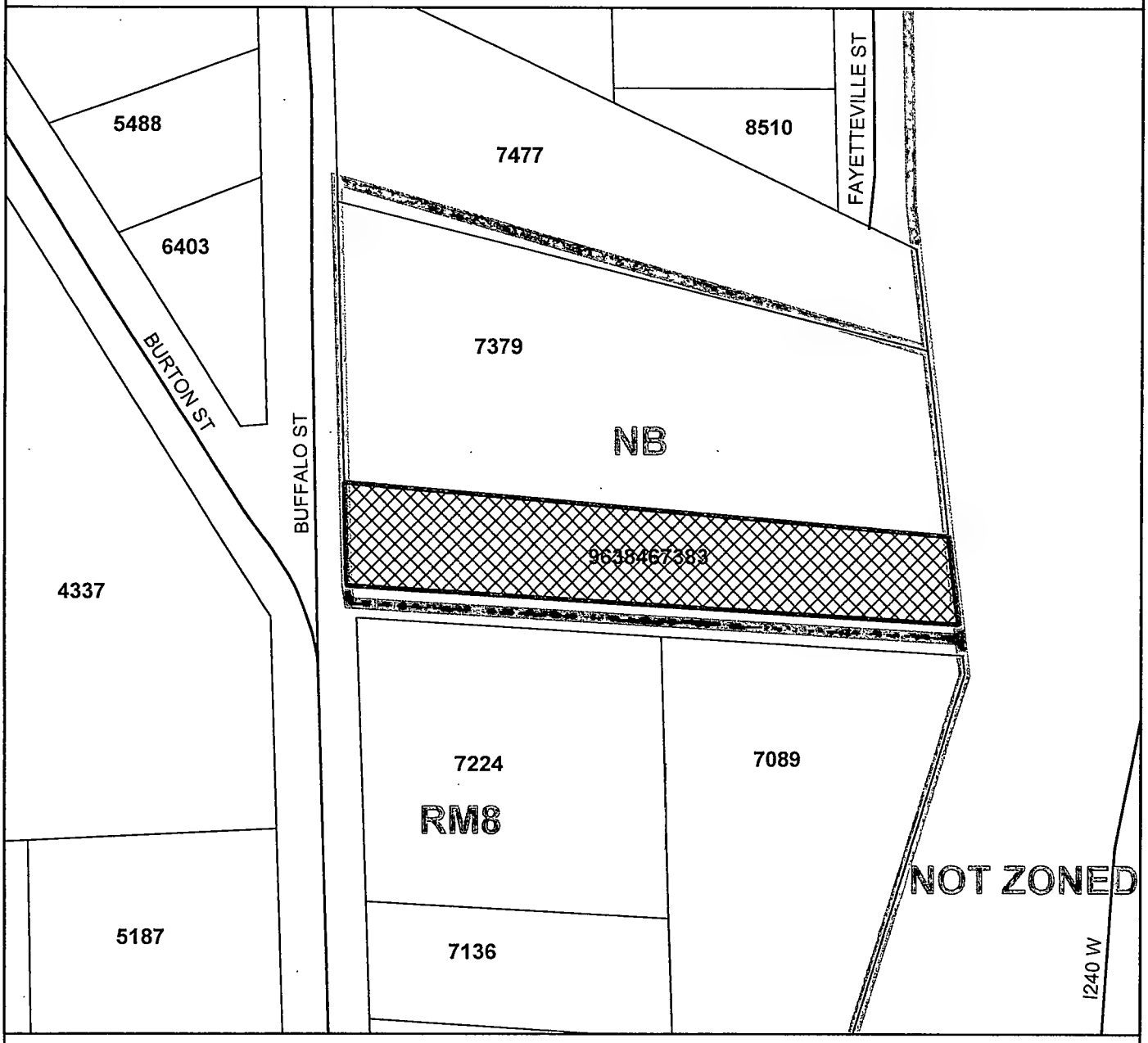
Mayor

Approved as to form:

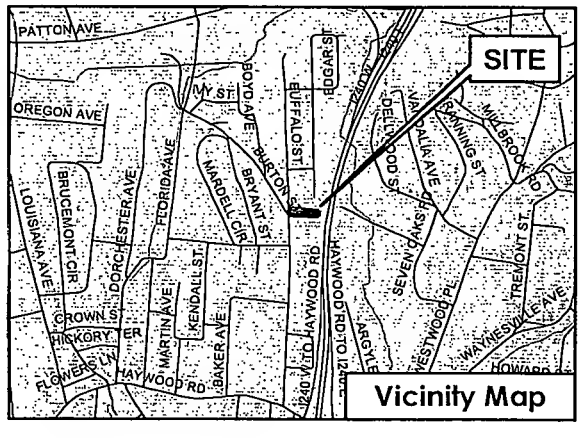
City Attorney

Magdalen Burleson
City Clerk

City of Asheville - Exhibit A Map
Buffalo Street Rezoning



Project Name:	Buffalo Street Rezoning
Project Number:	15-03202
Project Description:	Rezoning from NB to RM8
Petitioner(s):	SLG Properties, LLC
Parcel ID Number(s):	9638-46-7383
Location/Address:	1 Buffalo Street



Project Site | Parcels | Zoning Districts | Asheville City Limits | Streets | Streams

City of Asheville Planning and Development Department - Date goes here

10

ORDINANCE NO. 4422

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 29 OAK HILL DRIVE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City is determined to be reasonable and in the public interest for the following reasons:

a) The proposal provides 72 residential units with an affordable component included at a rate of 24 one-bedroom units provided at 50% of AMI for a period of ten years (renewable for up to 30 years) and 5 additional units provided at 80% of AMI for a period of ten years;
b) The site is conveniently located for transit and transportation facilities;
c) Shopping and employment centers are located nearby.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

> The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9629-90-2093, and, recorded in Deed Book 5213, Page 479; and currently owned by Oak Hill Group, LLC. from Residential Multifamily High Density (RM-16) to Residential Multifamily High Density Conditional Zone (RM-16 CZ). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1", and substantially compliant with the site plan as shown on Exhibit C attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 9th day of June, 2015.

Magdalen Bullion
City Clerk

Mayor

Approved as to form:

City Attorney

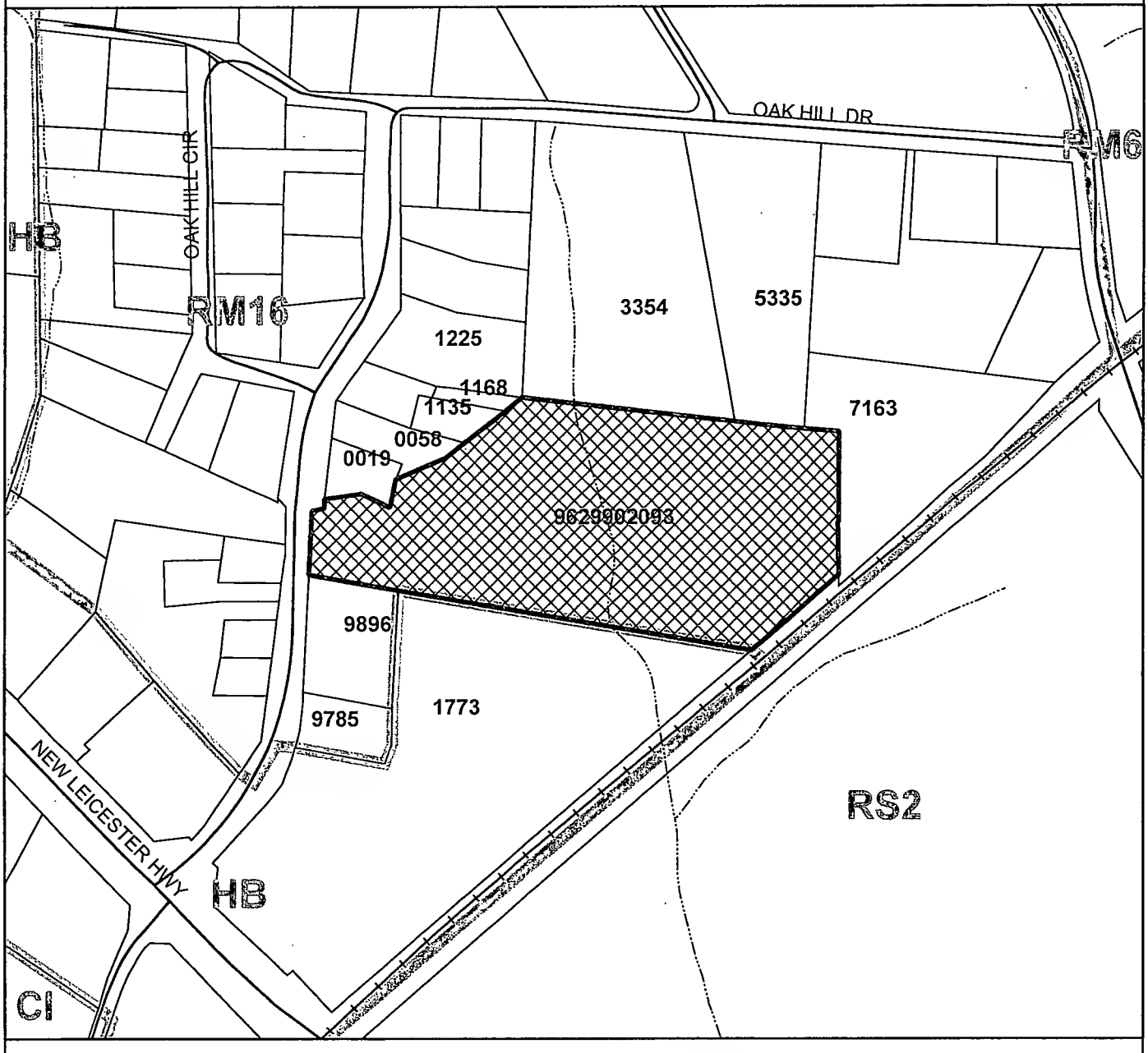
Magdalen Bullion
City Clerk

12

City of Asheville - Exhibit A Map
Oak Hill Village

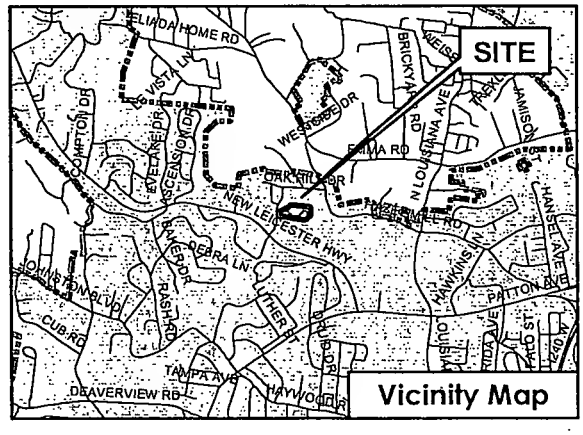
ASHEVILLE

N W E S



Project Name:	Oak Hill Village
Project Number:	15-03995PZ
Project Description:	Construction of 72 residential units in three buildings
Petitioner(s):	Oak Hill Group, LLC
Parcel ID Number(s):	9629-90-2093
Location/Address:	29 Oak Hill Drive

Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams



City of Asheville Planning and Development Department - April 23, 2015

Draft B.1 Conditions List

1. The zoning designation for the parcel at 29 Oak Hill Drive (PIN 9629-90-2093) will be RM16 CZ
2. The site plans show 3 buildings with a total of 72 residential units with open space, tree plantings and landscaping. The development will be in substantial compliance with the approved site plan which is incorporated herein.
3. Affordability within the project shall include 24 one-bedroom units provided at 50% of AMI for a ten year period (renewable for up to 30 years) and 5 additional units provided at 80% of AMI for a period of ten years.
4. Building setbacks are approved at 20 feet.
5. Residential density is approved at 19.5 units per acre.
6. Parking is approved at 81 spaces on site.
7. The developer will need to obtain all right of way and utility cut permits.
8. Buildings will be constructed to substantially match the building elevations submitted with the proposal.
9. The project will comply with requirements of the Technical Review Committee.
10. The development will provide a minimum of 14 bicycle parking spaces in the development.
11. The owner/developer shall pay $5000.00 to the City for traffic calming measures, at or before the issuance of the certificate of occupancy.

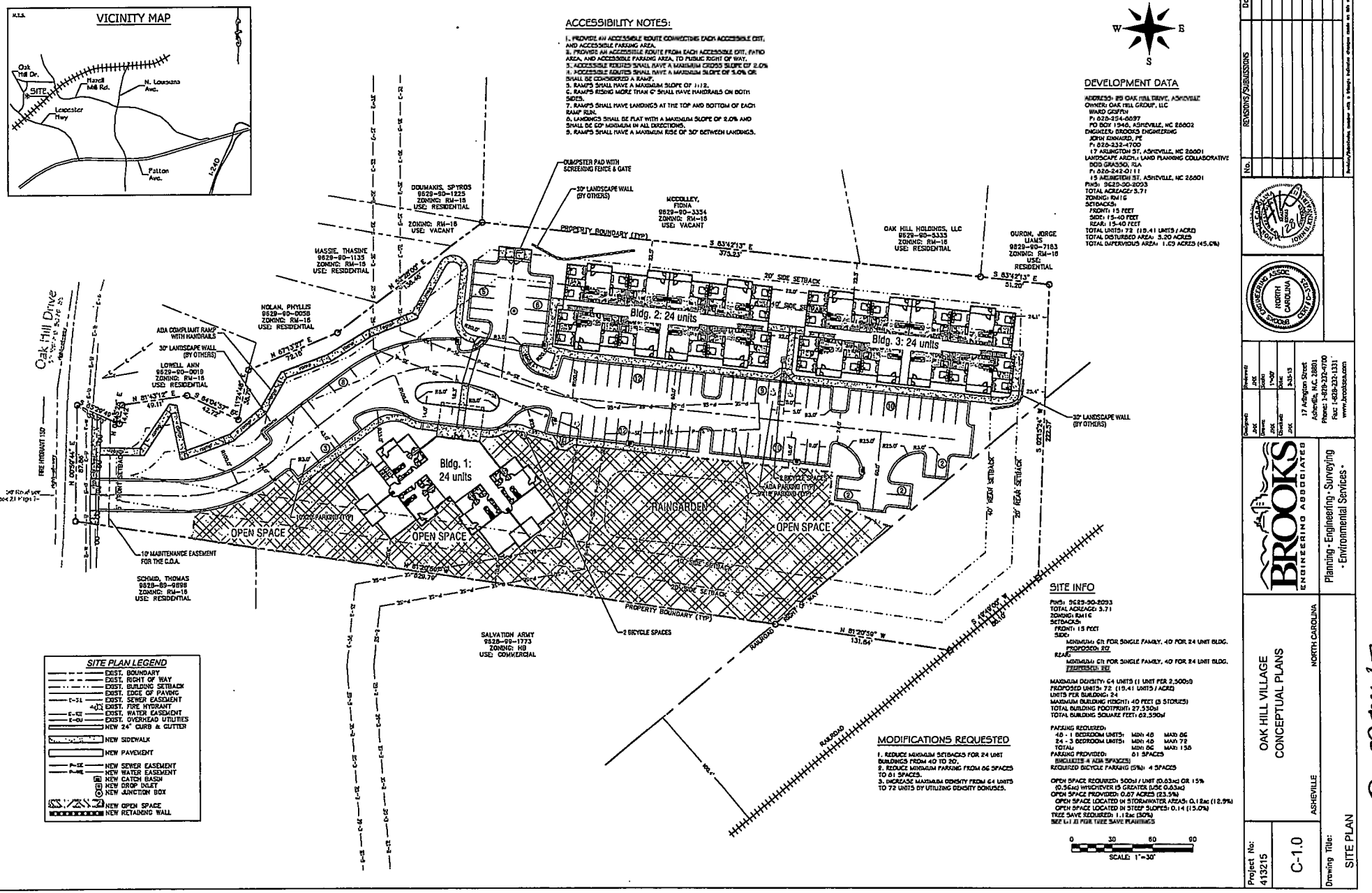
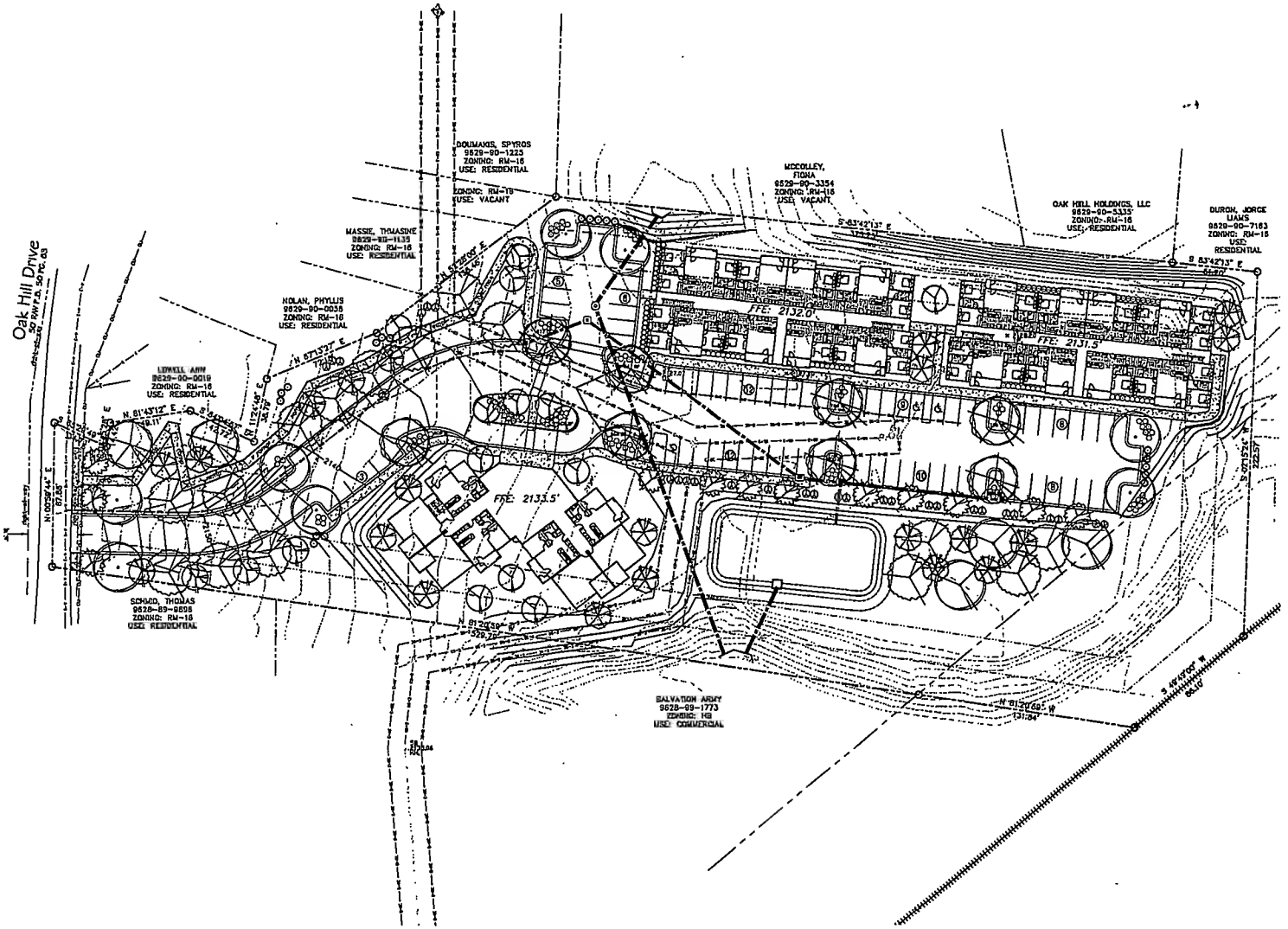

VICINITY MAP
Oak Hill Dr.
SITE
Merrell Mill Rd.
N. Louisiana Ave.
Leicester Hwy
Patton Ave.
I-240
ACCESSIBILITY NOTES:
1. PROVIDE AN ACCESSIBLE ROUTE CONNECTING EACH ACCESSIBLE ENT, AND ACCESSIBLE PARKING AREA.
2. PROVIDE AN ACCESSIBLE ROUTE FROM EACH ACCESSIBLE ENT, PATIO AREA, AND ACCESSIBLE PARKING AREA, TO PUBLIC RIGHT OF WAY.
3. ACCESSIBLE ROUTES SHALL HAVE A MAXIMUM CROSS SLOPE OF 2.0%
4. ACCESSIBLE ROUTES SHALL HAVE A MAXIMUM SLOPE OF 5.0% OR SHALL BE CONSIDERED A RAMP.
5. RAMPS SHALL HAVE A MAXIMUM SLOPE OF 1:12.
6. RAMPS RISING MORE THAN 6" SHALL HAVE HANDRAILS ON BOTH SIDES.
7. RAMPS SHALL HAVE LANDINGS AT THE TOP AND BOTTOM OF EACH RAMP RUN.
8. LANDINGS SHALL BE FLAT WITH A MAXIMUM SLOPE OF 2.0% AND SHALL BE 60" MINIMUM IN ALL DIRECTIONS.
9. RAMPS SHALL HAVE A MAXIMUM RISE OF 30" BETWEEN LANDINGS.
DEVELOPMENT DATA
ADDRESS: 85 OAK HILL DRIVE, ASHEVILLE
OWNER: OAK HILL GROUP, LLC
WARD GRIFFIN
PH: 828-254-8697
PO BOX 1946, ASHEVILLE, NC 28802
ENGINEER: BROOKS ENGINEERING
JOHN EDWARDS, PE
PH: 828-232-4700
17 ARLINGTON ST, ASHEVILLE, NC 28801
LANDSCAPE ARCH.: LAND PLANNING COLLABORATIVE
BOB GRASSO, RLA
PH: 828-242-0111
15 MCDUFFIE ST, ASHEVILLE, NC 28801
PINS: 9625-90-2093
TOTAL ACREAGE: 3.71
ZONING: RM16
SETBACKS:
FRONT: 15 FEET
SIDE: 15-40 FEET
REAR: 15-40 FEET
TOTAL UNITS: 72 (19.41 UNITS / ACRE)
TOTAL DISTURBED AREA: 3.20 ACRES
TOTAL IMPERVIOUS AREA: 1.69 ACRES (45.6%)
DOUMAKIS, SPYROS
9629-90-1225
ZONING: RM-16
USE: RESIDENTIAL
DUMPSTER PAD WITH SCREENING FENCE & GATE
30" LANDSCAPE WALL (BY OTHERS)
MCCOLLEY, FIONA
9629-90-3334
ZONING: RM-16
USE: VACANT
ZONING: RM-16
USE: VACANT
PROPERTY BOUNDARY (TYP)
OAK HILL HOLDINGS, LLC
9629-90-3333
ZONING: RM-16
USE: RESIDENTIAL
OUROM, JORGE LIAMS
9629-89-7183
ZONING: RM-16
USE: RESIDENTIAL
MASSIE, THASINE
9629-90-1135
ZONING: RM-16
USE: RESIDENTIAL
NOLAN, PHYLLIS
9629-90-0058
ZONING: RM-16
USE: RESIDENTIAL
ADA COMPLIANT RAMP WITH HANDRAILS
30" LANDSCAPE WALL (BY OTHERS)
LOWELL ANN
9629-90-0019
ZONING: RM-16
USE: RESIDENTIAL
Oak Hill Drive
Bldg. 1: 24 units
Bldg. 2: 24 units
Bldg. 3: 24 units
OPEN SPACE
OPEN SPACE
OPEN SPACE
RAINGARDEN
10' SIDE SETBACK
20' SIDE SETBACK
10' SIDE SETBACK
20' REAR SETBACK
30' REAR SETBACK
30' LANDSCAPE WALL (BY OTHERS)
2 BICYCLE SPACES
ADA PARKING (TYP)
10' MAINTENANCE EASEMENT FOR THE C.O.A.
SCHMID, THOMAS
9628-89-9898
ZONING: RM-16
USE: RESIDENTIAL
SALVATION ARMY
9628-99-1773
ZONING: HB
USE: COMMERCIAL
RAILROAD
R=830.00'
SITE PLAN LEGEND
EXIST. BOUNDARY
EXIST. RIGHT OF WAY
EXIST. BUILDING SETBACK
EXIST. EDGE OF PAVING
EXIST. SEWER EASEMENT
EXIST. FIRE HYDRANT
EXIST. WATER EASEMENT
EXIST. OVERHEAD UTILITIES
NEW 24" CURB & GUTTER
NEW SIDEWALK
NEW PAVEMENT
NEW SEWER EASEMENT
NEW WATER EASEMENT
NEW CATCH BASIN
NEW DROP INLET
NEW JUNCTION BOX
NEW OPEN SPACE
NEW RETAINING WALL
SITE INFO
PINS: 9629-90-2093
TOTAL ACREAGE: 3.71
ZONING: RM16
SETBACKS:
FRONT: 15 FEET
SIDE:
MINIMUM 6ft FOR SINGLE FAMILY, 40 FOR 24 UNIT BLDG.
PROPOSED: 20
REAR:
MINIMUM 6ft FOR SINGLE FAMILY, 40 FOR 24 UNIT BLDG.
PROPOSED: 30
MAXIMUM DENSITY: 64 UNITS (1 UNIT PER 2,500sf)
PROPOSED UNITS: 72 (19.41 UNITS / ACRE)
UNITS PER BUILDING: 24
MAXIMUM BUILDING HEIGHT: 40 FEET (3 STORIES)
TOTAL BUILDING FOOTPRINT: 27,550sf
TOTAL BUILDING SQUARE FEET: 82,590sf
PARKING REQUIRED:
48 - 1 BEDROOM UNITS: MIN: 48 MAX: 86
24 - 2 BEDROOM UNITS: MIN: 48 MAX: 72
TOTAL: MIN: 96 MAX: 158
PARKING PROVIDED: 81 SPACES
INCLUDES 4 ADA SPACES
REQUIRED BICYCLE PARKING (5%): 4 SPACES
OPEN SPACE REQUIRED: 500sf / UNIT (0.03ac) OR 15% (0.56ac) WHICHEVER IS GREATER. USE 0.63ac)
OPEN SPACE PROVIDED: 0.67 ACRES (23.5%)
OPEN SPACE LOCATED IN STORMWATER AREAS: 0.12ac (12.9%)
OPEN SPACE LOCATED IN STEEP SLOPES: 0.14 (15.0%)
TREE SAVE REQUIRED: 1.12ac (30%)
SEE L-1.01 FOR TREE SAVE PLANTINGS
MODIFICATIONS REQUESTED
1. REDUCE MINIMUM SETBACKS FOR 24 UNIT BUILDINGS FROM 40 TO 20.
2. REDUCE MINIMUM PARKING FROM 96 SPACES TO 81 SPACES.
3. INCREASE MAXIMUM DENSITY FROM 64 UNITS TO 72 UNITS BY UTILIZING DENSITY BONUSES.
0 30 60 90
SCALE: 1"=30'
N
W
E
S
No. REVISIONS/SUBMISSIONS Date
BROOKS ENGINEERING ASSOCIATES
Planning • Engineering • Surveying • Environmental Services •
17 Arlington Street
Asheville, NC 28801
Phone: 1-828-232-4700
Fax: 1-828-232-1331
www.brooksnc.com
OAK HILL VILLAGE
CONCEPTUAL PLANS
ASHEVILLE NORTH CAROLINA
Project No: 4132.15
C-1.0
Drawing Title: SITE PLAN

Exhibit "C"



DEVELOPMENT DATA

ADDRESS: 29 OAK HILL DRIVE, ASHEVILLE
OWNER: OAK HILL GROUP, LLC
WARD GRIFFIN
Ph 828-254-5597
PO BOX 1946, ASHEVILLE, NC 28802
ENGINEER: BROOKS ENGINEERING
JOHN KINNARD, PE
Ph 828-232-4700
17 ARLINGTON ST, ASHEVILLE, NC 28801
LANDSCAPE ARCH.: LAND PLANNING COLLABORATIVE
BOB GRAHAM, RLA
Ph 828-242-0111
17 ARLINGTON ST, SUITE B ASHEVILLE, NC 28801
PINs: 9628-90-2093
TOTAL ACREAGE: 5.71
ZONING: RM16
SETBACKS:
FRONT: 15 FEET
SIDE: 15-40 FEET
REAR: 15-40 FEET
TOTAL UNITS: 72 (12.61 UNITS / ACRE)
TOTAL DISTURBED AREA: 3.20 ACRES
TOTAL IMPERVIOUS AREA: 1.69 ACRES (45.6%)
STREET TREE LANDSCAPE: 57 AP (OVERHEAD UTILITIES)
FLOWERING TREES (1 TREE/30 LF): 3 TREES
TREE SAVE LANDSCAPE: 1.12 AC. (50% OF 2.72 AC.)
3" TREES (7 TREES/AC): 6 TREES
2" TREES (14 TREES/AC): 16 TREES
1-1/2" TREES (25 TREES/AC): 6 TREES
SHRUBS (30 SHRUBS/AC): 56 SHRUBS
BUILDING IMPACT LANDSCAPE: 27,520 SF
TREES (1 TREE/1,000 SF): 28 TREES
SHRUBS (3 SHRUBS/1,000 SF): 86 SHRUBS
PARKING LOT LANDSCAPE: 35,000 SF
TREES (1 TREE/1,500 SF): 24 TREES
SHRUBS (4 SHRUBS/1,500 SF): 96 SHRUBS

PLANT LIST

SYMBOL	QUANT	NAME	SIZE / SPECIFICATION
	15	Acer rubrum Red Maple	2" - 2 1/2" cal., 12' - 14' Ht., B&B, Single Straight Leader, Matched
	10	Acer saccharum 'Green Mountain' Green Mountain Sugar Maple	2" - 2 1/2" cal., 12' - 14' Ht., B&B, Single Straight Leader, Matched
	10	Aesculus pavia Red Buckeye	1 1/2" - 2" cal., 8' - 10' Ht., B&B, Multi-stem, 3 stems min., Matched
	10	Betula nigra River Birch	1 1/2" - 2" cal., 8' - 10' Ht., B&B, Multi-stem, 3 stems min., Matched
	12	Cercis canadensis Eastern Redbud	1 1/2" - 1 1/2" cal., 8' - 10' Ht., B&B, Multi-stem, 3 stems min., Matched
	17	Cornus florida 'Appalachian Spring' Appalachian Spring Flowering Dogwood	1 1/2" - 1 1/2" cal., 8' - 10' Ht., B&B, Single Straight Leader, Matched
	5	Quercus alba White Oak	2" - 2 1/2" cal., 12' - 14' Ht., B&B, Single Straight Leader, Matched
	6	Quercus coccinea Scarlet Oak	2" - 2 1/2" cal., 12' - 14' Ht., B&B, Single Straight Leader, Matched
	25	Hydrangea paniculata 'Tardiva' Tardiva Panicle Hydrangea	3 gal., Cont., Dense Full Plants
	70	Ilex crenata 'Helleri' Heller's Japanese Holly	3 gal., Cont., Dense Full Plants
	24	Ilex x meserveae 'Blue Prince' / 'Blue Girl' Blue Prince / Blue Girl Holly	3 gal., Cont., Dense Full Plants
	23	Prunus laurocerasus 'Otto Luyken' Otto Luyken Laurel	3 gal., Cont., Dense Full Plants
	23	Spiraea japonica 'Little Princess' Little Princess Spirea	3 gal., Cont., Dense Full Plants
	19	Viburnum x pragense Prague Viburnum	3 gal., Cont., Dense Full Plants

NORTH

0 6 15 30 60 90
SCALE: 1" = 30'

LAND PLANNING COLLABORATIVE
17 ARLINGTON STREET, SUITE B
ASHEVILLE, N.C. 28801
828.242.0111
FAX 828.252.8332
EMAIL: bgraham@landplancollab.com

NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT 487 GEORGE ROBERT M.

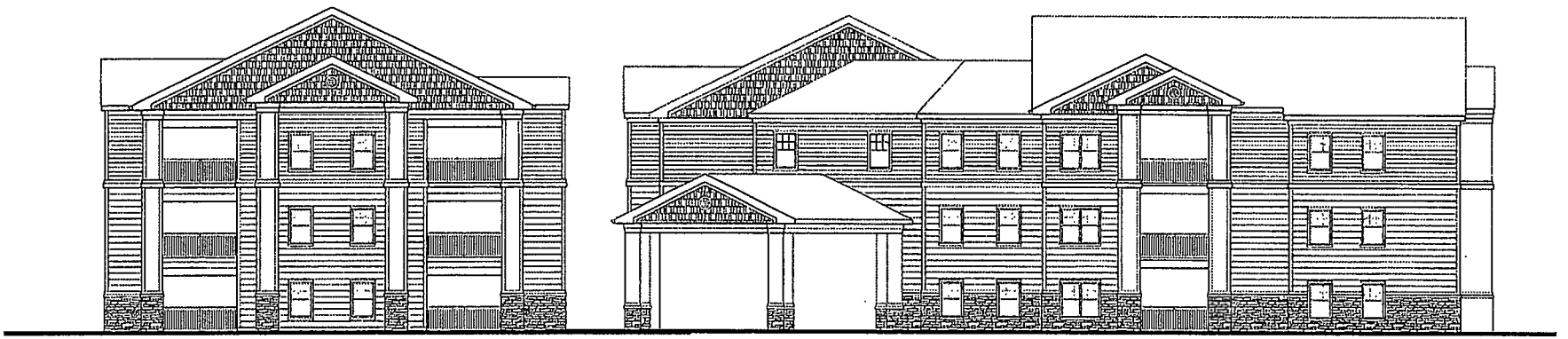
LANDSCAPE PLAN

OAK HILL VILLAGE
ASHEVILLE, NORTH CAROLINA

JOB NO.: 20XXX
DWG. NAME: oak hill-land.dwg
DATE: MARCH 24, 2021

REV.#	DATE	BY
1	-	-
2	-	-
3	-	-
4	-	-
5	-	-

SHEET
L-1.0



1 BUILDING ELEVATIONS FOR BUILDINGS: 1
SCALE: 1/8" = 1'-0"

2 BUILDING ELEVATIONS FOR BUILDINGS: 2 AND 3
SCALE: 1/8" = 1'-0"

Plageman Architecture
409 S. Spring St.
Burlington, NC 27215
336-226-3923

FOR REVIEW ONLY
7/23/14

NOT FOR CONSTRUCTION

NEW APARTMENT COMPLEX FOR:
OAK HILL APARTMENTS
ASHEVILLE, NORTH CAROLINA

REVISIONS

JOB NUMBER
PA1439
DRAWN BY: JW, JT

SHEET NAME
BUILDING ROOF PLAN AND ELEVATIONS

SHEET NUMBER
A1

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ORDINANCE NO. 4423

ORDINANCE AMENDING A PREVIOUSLY APPROVED CONDITIONAL ZONING (No. 3546) FOR PROPERTY(S) LOCATED AT 673 SAND HILL ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons and is determined to be reasonable and in the public interest as follows:

a. The development is existing and was deemed appropriate through the 2007 conditional zoning process;
b. The one additional unit will be in an existing building and does not require any site work or disturbance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

> The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PINs 9627.59-1752 and 9627.49-9750 recorded in Deed Book 5284, Page 1346 and currently owned by Jack Ryan, LLC from Residential Multi-Family Medium Density Conditional Zone to Residential Multi-Family Medium Density Conditional Zone district. A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1", and substantially compliant with the site plan as shown on Exhibit "C" attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 9th day of June, 2015.

Magdalen Bateson
City Clerk

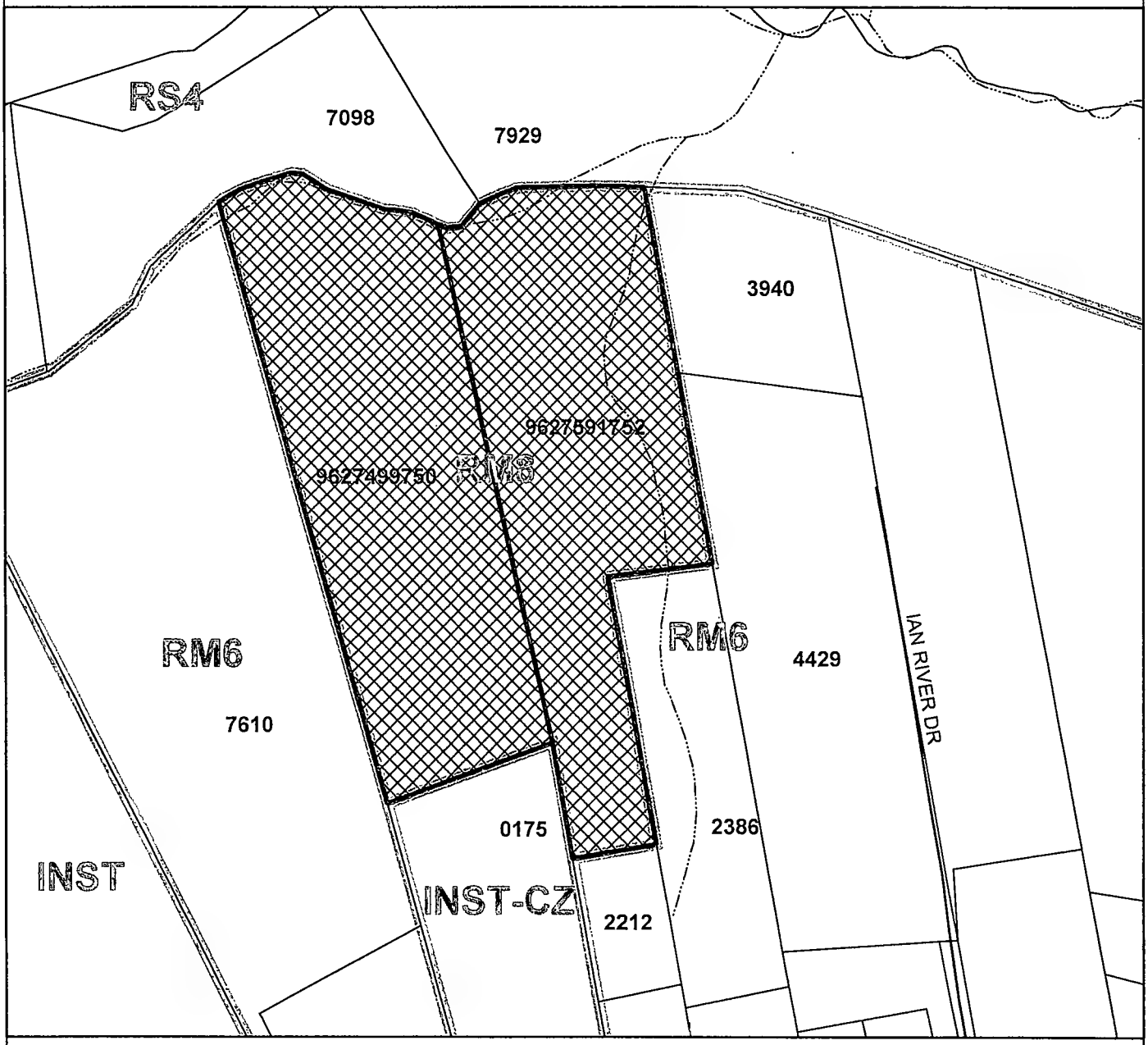
Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bateson
City Clerk

City of Asheville - Exhibit A Map
673 Sand Hill Road



Project Name: 673 Sand Hill Road (Amendment)
Project Number: 15-04638 PZ
Project Description: Amendment of CZ from 2007 to add one unit
Petitioner(s): Jack Ryan, LLC
Parcel ID Number(s): 9627-59-1752; -9627-49-9750

Location/Address: 673 Sand Hill Road

Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Development Department - April 2015

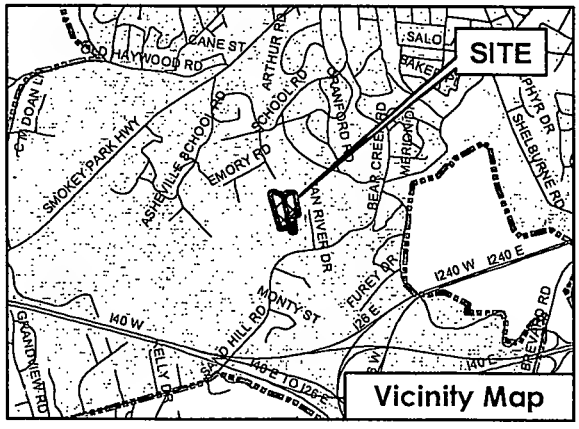
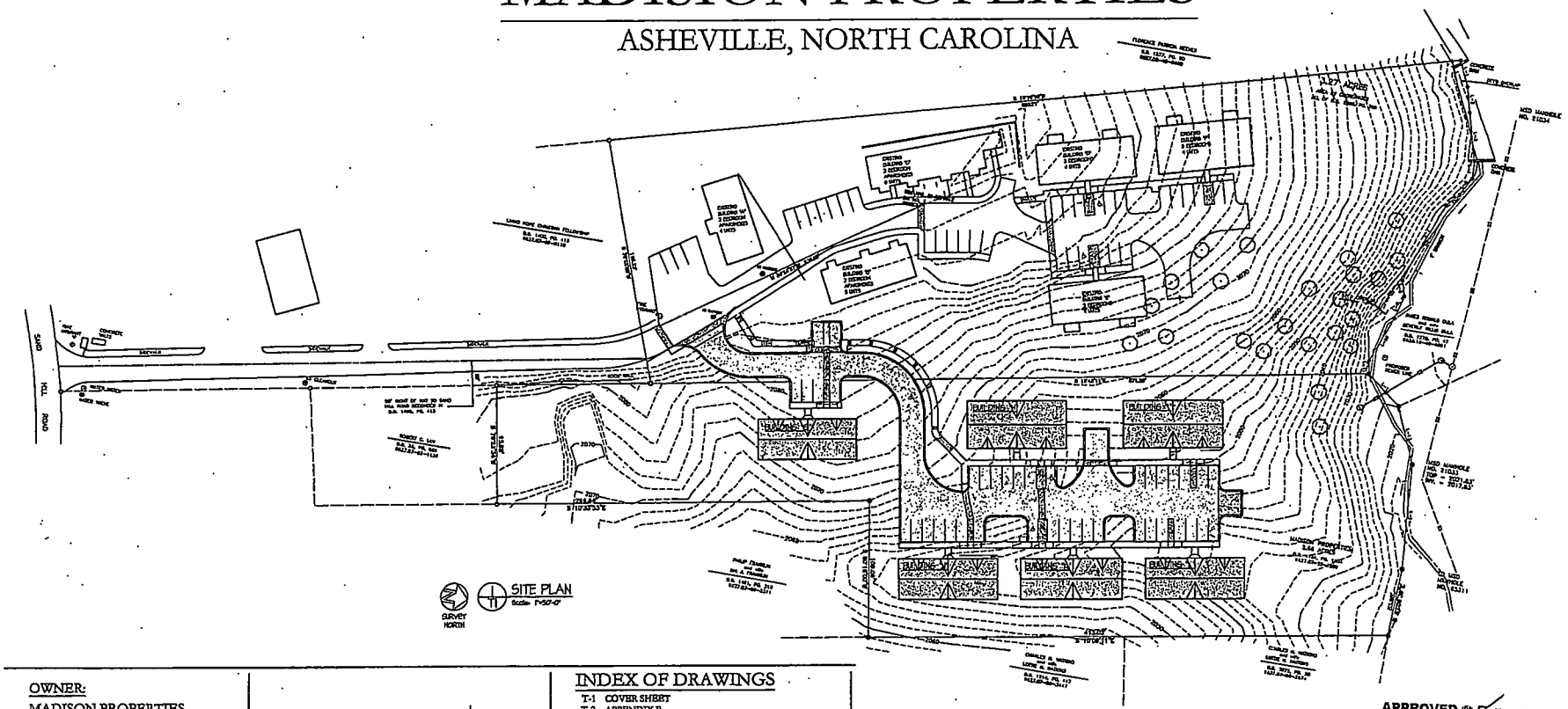


EXHIBIT B-1
CONDITIONS – 673 SAND HILL ROAD

1. Approval is for the addition of one residential unit into an existing building (Building G). The overall development has 48 existing residential units (from approvals in 2004 and 2007) and this will result in a total of 49 units for the overall site.
2. Landscaping, parking and open space were approved as compliant in 2007. No site work is proposed or required by the additional one residential unit.
3. Recombination of the two lots is required prior to obtaining a CO.
4. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.

SAND HILL APARTMENTS
PHASE III
MADISION PROPERTIES

ASHEVILLE, NORTH CAROLINA

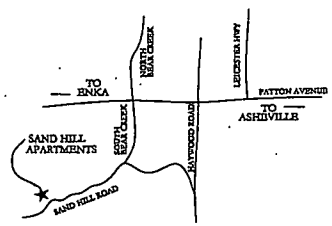


OWNER:
MADISON PROPERTIES

ARCHITECT:
WAYNE D. ROBERTS, AIA
166 EAST CHESTNUT STREET
ASHEVILLE, NC 28801

CIVIL ENGINEER:
DAVIS CIVILSOLUTIONS, P.A.
134-A CHARLOTTE HWY.
ASHEVILLE, NC 28803

PLANNING
GREENPLAN, INC
8 MAGNOLIA ST, SUITE 61
ASHEVILLE, NC 28801



VICINITY MAP
No Scale

INDEX OF DRAWINGS

T-1 COVER SHEET
T-2 APPENDIX B

A-0 EXISTING SITE PLAN 1"=30'-0"
A-1 SITE PLAN ZONIG & LANDSCAPE 1"=30'-0"
A-2 SITE PLAN GRADING & DETAILS 1"=20'-0"
A-3 BUILDING "H" ARCHITECTURAL 1/8"=1'0"
A-4 BUILDING "I" ARCHITECTURAL 1/8"=1'0"
A-5 BUILDINGS "J" & "L" ARCHITECTURAL 1/8"=1'0"
A-6 BUILDING "K" ARCHITECTURAL 1/8"=1'0"
A-7 BUILDING "G" ARCHITECTURAL 1/8"=1'0".
A-8 ARCHITECTURAL WALL SECTIONS
A-9 ARCHITECTURAL DETAILS AND ACCESSIBILITY
A-10 ARCHITECTURAL DETAILS STAIRS & COLUMNS

C-1 GRADING STORMWATER & EROSION CONTROL PLAN
C-2 UTILITIES
D-1 DETAILS
D-2 DETAILS
D-3 DETAILS
D-4 DETAILS
D-5 DETAILS

DEVELOPMENT DATA BLOCK

NAME: SAND HILL APARTMENTS PHASE III
ADDRESS: ADDRESS 678 SAND HILL RD ASHEVILLE NC
PROPERTY OWNER: MADISON PROPERTIES INC.
CONTACT: MR. ANTHONY MILLS P.O. BOX 1926 HENDERSONVILLE, NC 28793 PHONE 828-650-4008
PIN NUMBER: 9627.06-49-6604 & 9627.07-04-4606
ZONING DISTRICT: RM-8
PROPERTY SIZE: 8.71 + 2.66 = 5.93 ACRES TOTAL
25 EXISTING BUILDING UNITS PLUS 29 NEW UNITS FOR A TOTAL OF 43 UNITS & UNITS PER ACRE PERMITTED.

APPROVED ☐ with conditions
Approved plans must be posted on all job sites.
No inspection will be performed unless plans are available for review by the City of Asheville inspector.

Zoning Permit Approved With the Following Conditions

1. Application for lot reconfiguration must be made within sixty (60) days of zoning permit issuance (May 18, 2007).
2. Pedestrian connection between new and existing apartment buildings must be completed prior to final C.O.
3. A deed restriction requiring that rents be maintained within the City of Asheville "affordable housing guidelines," approved as to form by the City Attorney, must be recorded prior to final C.O.
4. All buffer yards must be installed as indicated on the site plan and all landscaping must meet the minimum size requirements set forth in Section 7-11-2(C)(2) of the UDO.
5. All site lighting must be equipped with 90 degree cut-off fixtures and directed away from adjoining properties and streets.
6. If this approved site plan is required to be revised by Building Safety and/or the Fire Department when trying to obtain a building permit, a revised plan must be submitted to the Planning Department for review and approval before any work resumes.
7. Final Plumbing Inspection Required.

RECEIVED 3/19/08

BP # 07-3653

WAYNE DOUGLAS ROBERTS, AIA
ARCHITECT
P.O. BOX 8414 ASHEVILLE, NC 28814 (828) 253-1949

ARCHITECTURAL
TITLE SHEET

SAND HILL APARTMENTS PHASE III
MADISON PROPERTIES
678 SAND HILL RD ASHEVILLE NC, PIN # 9627.06-49-6604 & 9627.07-30-1606

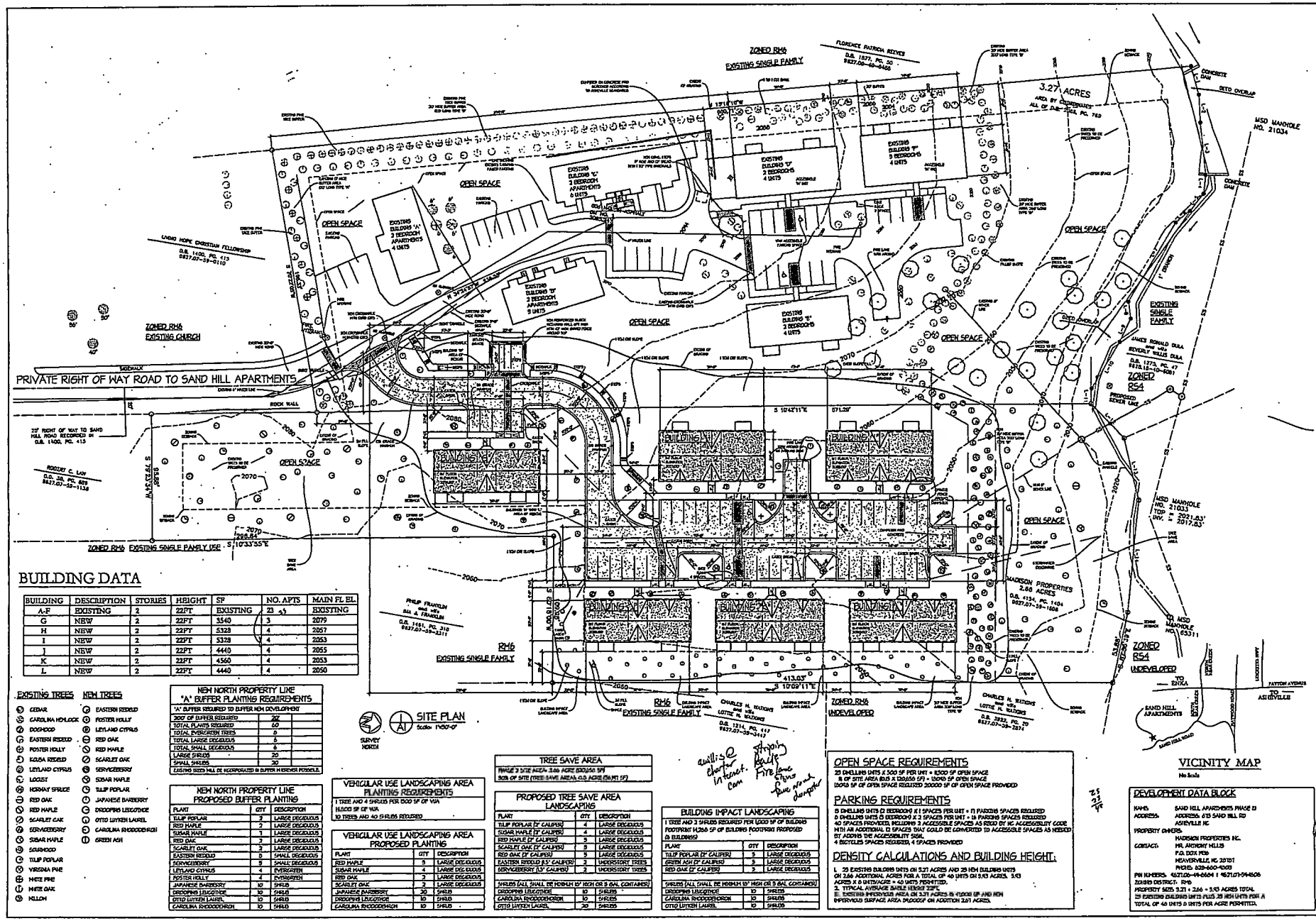
DATE: MAR 10, 2008
REV. 3

WAYNE DOUGLAS ROBERTS ARCHITECT 4083 MARS HILL, N.C.

SHEET NO:
T-1

Exhibit C

21


PRIVATE RIGHT OF WAY ROAD TO SAND HILL APARTMENTS
ZONED RM6 EXISTING CHURCH
ZONED RM6 EXISTING SINGLE FAMILY
ZONED RM6 EXISTING SINGLE FAMILY USE
RM6 EXISTING SINGLE FAMILY
ZONED RM6 UNDEVELOPED
ZONED RS4 EXISTING SINGLE FAMILY
ZONED RS4 UNDEVELOPED
3.27 ACRES
OPEN SPACE
EXISTING BUILDING 'A' 2 BEDROOM APARTMENTS 4 UNITS
EXISTING BUILDING 'B' 2 BEDROOM APARTMENTS 5 UNITS
EXISTING BUILDING 'C' 2 BEDROOM APARTMENTS 6 UNITS
EXISTING BUILDING 'D' 2 BEDROOM 4 UNITS
EXISTING BUILDING 'E' 2 BEDROOM 4 UNITS
EXISTING BUILDING 'F' 2 BEDROOM 4 UNITS
BUILDING A
BUILDING B
BUILDING C
BUILDING D
BUILDING E
BUILDING F
MSD MANHOLE NO. 21034
MSD MANHOLE NO. 21033
MSD MANHOLE NO. 65311
MADISON PROPERTIES 2.58 ACRES
SAND HILL APARTMENTS
TO EZRA
TO ASHEVILLE
SURVEY NORTH

BUILDING DATA

BUILDING	DESCRIPTION	STORIES	HEIGHT	SF	NO. APTS	MAIN FL EL.
A-F	EXISTING	2	22FT	EXISTING	23 +/-	EXISTING
G	NEW	2	22FT	3540	3	2079
H	NEW	2	22FT	5328	4	2057
I	NEW	2	22FT	5328	4	2053
J	NEW	2	22FT	4440	4	2055
K	NEW	2	22FT	4560	4	2053
L	NEW	2	22FT	4440	4	2050

SITE PLAN
Scale: 1"=50'-0"

EXISTING TREES	NEW TREES
CEDAR	EASTERN REDBUD
CAROLINA HOLLOCK	FOSTER HOLLY
DOGWOOD	LEYLAND CYPRUS
EASTERN REDBUD	RED OAK
FOSTER HOLLY	RED MAPLE
KOUSA REDBUD	SCARLET OAK
LEYLAND CYPRUS	SERVICEBERRY
LOCUST	SUGAR MAPLE
NORWAY SPRUCE	TULIP POPLAR
RED OAK	JAPANESE BARBERRY
RED MAPLE	DROOPING LEUCOTHOE
SCARLET OAK	OTTO LUYKEN LAUREL
SERVICEBERRY	CAROLINA RHODODENDRON
SUGAR MAPLE	GREEN ASH
SOURWOOD	
TULIP POPLAR	
VIRGINIA PINE	
WHITE PINE	
WHITE OAK	
YELLOW	

NEW NORTH PROPERTY LINE "A" BUFFER PLANTING REQUIREMENTS

"A" BUFFER REQUIRED TO BUFFER NEW DEVELOPMENT

200' OF BUFFER REQUIRED	22	
TOTAL PLANTS REQUIRED	60	
TOTAL EVERGREEN TREES	0	
TOTAL LARGE DECIDUOUS	6	
TOTAL SMALL DECIDUOUS	6	
LARGE SHRUBS	20	
SMALL SHRUBS	20	

EXISTING TREES SHALL BE INCORPORATED IN BUFFER WHENEVER POSSIBLE.

NEW NORTH PROPERTY LINE PROPOSED BUFFER PLANTING

PLANT	QTY	DESCRIPTION
TULIP POPLAR	2	LARGE DECIDUOUS
RED MAPLE	2	LARGE DECIDUOUS
SUGAR MAPLE	1	LARGE DECIDUOUS
RED OAK	3	LARGE DECIDUOUS
SCARLET OAK	2	LARGE DECIDUOUS
EASTERN REDBUD	5	SMALL DECIDUOUS
NORWAYBERRY	5	SMALL DECIDUOUS
LEYLAND CYPRUS	4	EVERGREEN
FOSTER HOLLY	4	EVERGREEN
JAPANESE BARBERRY	10	SHRUB
DROOPING LEUCOTHOE	10	SHRUB
OTTO LUYKEN LAUREL	10	SHRUB
CAROLINA RHODODENDRON	10	SHRUB

VEHICULAR USE LANDSCAPING AREA PLANTING REQUIREMENTS

1 TREE AND 4 SHRUBS PER 1500 SF OF VUA
11,500 SF OF VUA
10 TREES AND 40 SHRUBS REQUIRED

VEHICULAR USE LANDSCAPING AREA PROPOSED PLANTING

PLANT	QTY	DESCRIPTION
RED MAPLE	5	LARGE DECIDUOUS
SUGAR MAPLE	4	LARGE DECIDUOUS
RED OAK	2	LARGE DECIDUOUS
SCARLET OAK	2	LARGE DECIDUOUS
JAPANESE BARBERRY	20	SHRUB
DROOPING LEUCOTHOE	10	SHRUB
CAROLINA RHODODENDRON	10	SHRUB

TREE SAVE AREA

PHASE 3 SITE AREA: 3.66 ACRE (159,550 SF)
30% OF SITE (TREE SAVE AREA): 0.5 ACRE (19,971 SF)

PROPOSED TREE SAVE AREA LANDSCAPING

PLANT	QTY	DESCRIPTION
TULIP POPLAR (3" CALIPER)	4	LARGE DECIDUOUS
SUGAR MAPLE (3" CALIPER)	4	LARGE DECIDUOUS
RED MAPLE (3" CALIPER)	5	LARGE DECIDUOUS
SCARLET OAK (3" CALIPER)	5	LARGE DECIDUOUS
RED OAK (3" CALIPER)	5	LARGE DECIDUOUS
EASTERN REDBUD (1.5" CALIPER)	2	UNDERSTORY TREES
SERVICEBERRY (1.5" CALIPER)	2	UNDERSTORY TREES
SHRUBS (ALL SHALL BE MINIMUM 15" HIGH OR 3 GAL CONTAINER)		
DROOPING LEUCOTHOE	10	SHRUBS
CAROLINA RHODODENDRON	10	SHRUBS
OTTO LUYKEN LAUREL	20	SHRUBS

BUILDING IMPACT LANDSCAPING

1 TREE AND 3 SHRUBS REQUIRED PER 1,000 SF OF BUILDING FOOTPRINT (4,266 SF OF BUILDING FOOTPRINT) PROPOSED IN BUILDINGS

PLANT	QTY	DESCRIPTION
TULIP POPLAR (3" CALIPER)	5	LARGE DECIDUOUS
GREEN ASH (3" CALIPER)	5	LARGE DECIDUOUS
RED OAK (3" CALIPER)	5	LARGE DECIDUOUS
SHRUBS (ALL SHALL BE MINIMUM 15" HIGH OR 3 GAL CONTAINER)		
DROOPING LEUCOTHOE	10	SHRUBS
CAROLINA RHODODENDRON	10	SHRUBS
OTTO LUYKEN LAUREL	10	SHRUBS

OPEN SPACE REQUIREMENTS

25 DWELLING UNITS X 500 SF PER UNIT = 12500 SF OPEN SPACE
8 OF SITE AREA (3.13 X 130,650 SF) = 170749 SF OPEN SPACE
170749 SF OF OPEN SPACE REQUIRED 200000 SF OF OPEN SPACE PROVIDED

PARKING REQUIREMENTS

8 DWELLING UNITS @ BEDROOM # 1 SPACES PER UNIT = 11 PARKING SPACES REQUIRED
8 DWELLING UNITS @ BEDROOM # 2 SPACES PER UNIT = 16 PARKING SPACES REQUIRED
40 SPACES PROVIDED, INCLUDING 3 ACCESSIBLE SPACES AS REQD BY NC ACCESSIBILITY CODE
WITH AN ADDITIONAL 12 SPACES THAT COULD BE CONVERTED TO ACCESSIBLE SPACES AS NEEDED BY ADDING THE ACCESSIBILITY SIGN.
4 BICYCLES SPACES REQUIRED, 4 SPACES PROVIDED

DENSITY CALCULATIONS AND BUILDING HEIGHT:

1. 25 EXISTING BUILDING UNITS ON 3.27 ACRES AND 28 NEW BUILDING UNITS ON 2.66 ADDITIONAL ACRES FOR A TOTAL OF 40 UNITS ON 5.93 ACRES. 5.93 ACRES X 8 UNITS/ACRE = 40 UNITS PERMITTED.
2. TYPICAL AVERAGE SHRUB HEIGHT 22'+.
3. EXISTING IMPERVIOUS AREA ON 3.27 ACRES IS 47,000 SF AND NEW IMPERVIOUS SURFACE AREA 24,000SF OR ADDITION 2.61 ACRES.

VICINITY MAP
No Scale

DEVELOPMENT DATA BLOCK

NAME: SAND HILL APARTMENTS PHASE III
ADDRESS: ADDITIONAL 673 SAND HILL RD ASHEVILLE NC
PROPERTY OWNER: MADISON PROPERTIES INC.
CONTACT: MR. ANTHONY HILLIS
P.O. DRAWER 1509
WEAVERVILLE, NC 28787
PHONE: 828-650-9203
PIN NUMBERS: 9627.06-49-6684 & 9627.07-59-1606
ZONING DISTRICT: RM6
PROPERTY SIZE: 3.27 + 2.66 = 5.93 ACRES TOTAL
25 EXISTING DWELLING UNITS PLUS 28 NEW UNITS FOR A TOTAL OF 40 UNITS = 8 UNITS PER ACRE PERMITTED.

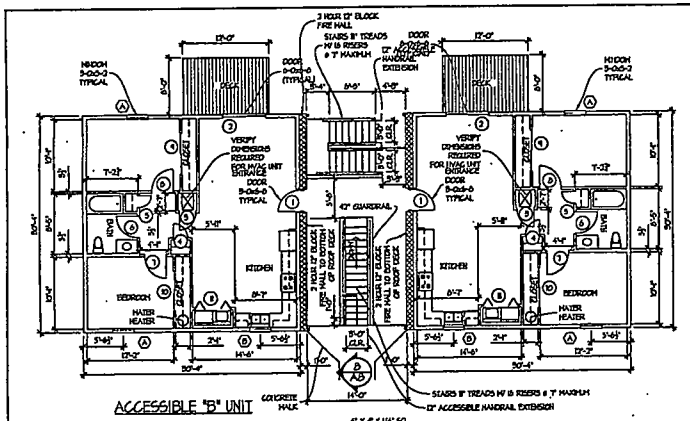
WAYNE DOUGLAS ROBERTS, AIA
ARCHITECT
P.O. BOX 8414 ASHEVILLE, NC 28814 (828) 253-1849

LANDSCAPING & ZONING PLAN

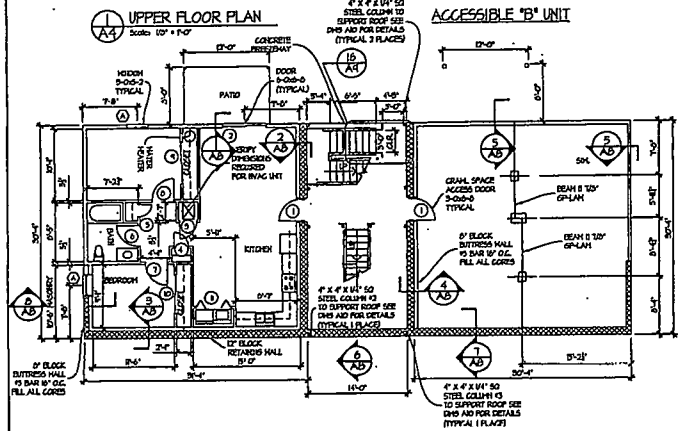
SAND HILL APARTMENTS PHASE III
MADISON PROPERTIES
673 SAND HILL RD ASHEVILLE NC, PIN #'S 9627.06-49-6684 & 9627.07-59-1606

DATE: MAR 19, 2008
REV. 3

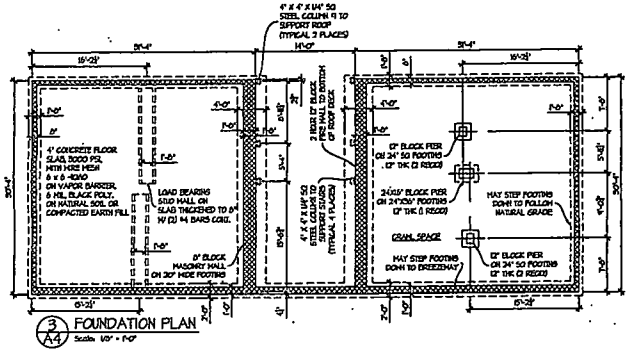
SHEET NO: A-1



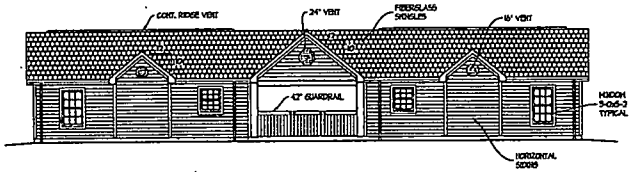
1 A4 UPPER FLOOR PLAN
Scales 1/8" = 1'-0"



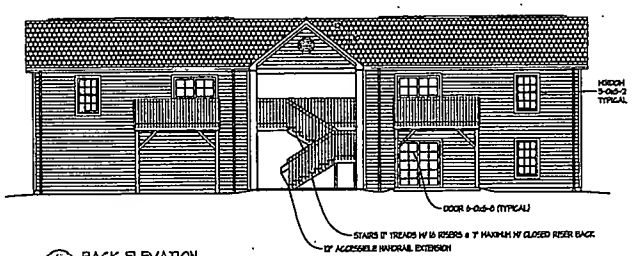
2 A4 LOWER FLOOR PLAN
Scales 1/8" = 1'-0"



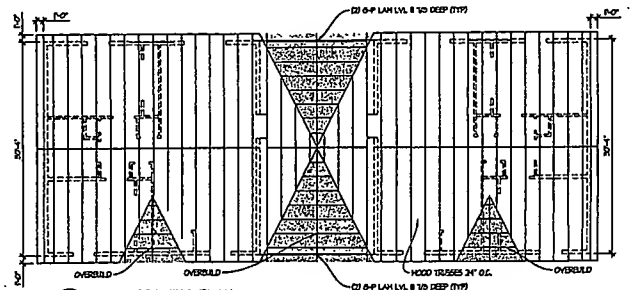
3 A4 FOUNDATION PLAN
Scales 1/8" = 1'-0"



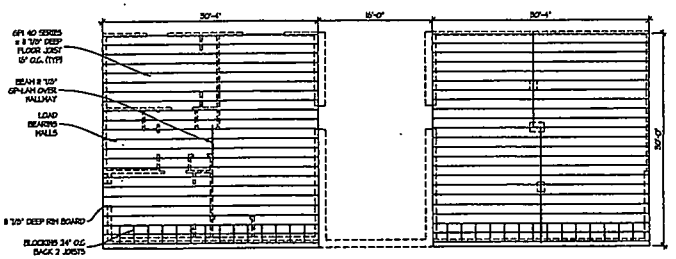
4 A4 FRONT ELEVATION
Scales 1/8" = 1'-0"



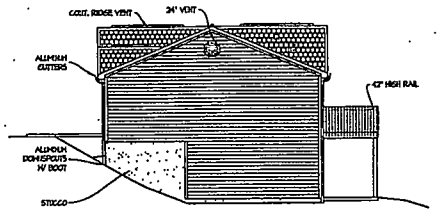
5 A4 BACK ELEVATION
Scales 1/8" = 1'-0"



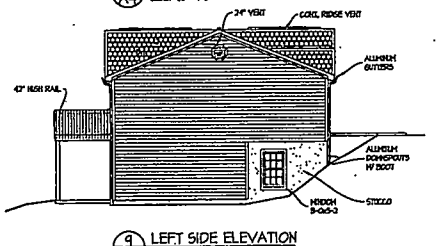
6 A4 ROOF FRAMING PLAN
Scales 1/8" = 1'-0"



7 A4 UPPER FLOOR FRAMING PLAN
Scales 1/8" = 1'-0"



8 A4 RIGHT SIDE ELEVATION
Scales 1/8" = 1'-0"



9 A4 LEFT SIDE ELEVATION
Scales 1/8" = 1'-0"

DOOR SCHEDULE PER APARTMENT		
ITEM	SIZE	REMARKS
1	3'-0x6'-8	RATED "B" LABEL STEEL ENTRANCE DOOR 1/2" ACCESSIBLE THRESHOLD SEE DOOR HEAD, JAMB + SILL DETAILS PL3&4, 12 DHS AR
2	6'-0x6'-8	SLIDING GLASS DOOR 3/4" ACCESSIBLE THRESHOLD
3	3'-1x6'-8	HVAC CLOSET DOOR
4	2'-0x6'-8	HALL CLOSET DOOR
5	1'-0x6'-0	LINEN CLOSET DOOR
6	3'-0x6'-8	BATHROOM DOOR
7	3'-0x6'-8	BEDROOM DOOR
8	3'-0x6'-8	BEDROOM DOOR
9	2'-0x6'-8	BI-FOLD CLOSET DOORS
10	3'-0x6'-8	BI-FOLD CLOSET DOORS
11	3'-0x6'-8	BI-FOLD LAUNDRY DOORS

WINDOW SCHEDULE PER LOWER APARTMENT			
ITEM	SIZE	QTY	REMARKS
A	3'-0x5'-0	2	RESCUE CLEAR OPENING 24" HIGH X 20" WIDE MIN.

WINDOW SCHEDULE PER UPPER APARTMENT			
ITEM	SIZE	QTY	REMARKS
A	3'-0x5'-0	2	RESCUE CLEAR OPENING 24" HIGH X 20" WIDE MIN.
B	3'-0x5'-4	1	

GENERAL NOTES:

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE OF THE N.C. STATE BUILDING CODE, CURRENT EDITION.
2. ALL DIMENSIONS ARE TO FACE OF STUD UNLESS NOTED OTHERWISE.
3. PROVIDE INSULATION AT ALL WALLS EXPOSED TO AN EXTERIOR CONDITION.
4. ALL WOOD EXPOSED TO WEATHER SHALL BE PRESSURE TREATED.
5. ALL WOOD TOUCHING CONCRETE SHALL BE PRESSURE TREATED.
6. A SEALANT SHALL BE APPLIED TO MASONRY OR CONCRETE SURFACE PRIOR TO ANCHORING SILL PLATES.
7. DO NOT BACK-FILL AGAINST MASONRY WALL UNTIL BUILDING STRUCTURE IS INSTALLED.
8. ALL LOWER FLOOR APARTMENT UNIT LOAD BEARING WALLS TO BE 1 HOUR FIRE RATED U.L.#305.

WAYNE DOUGLAS ROBERTS, AIA
ARCHITECT
P.O. BOX 9414 ASHEVILLE, NC 28814 (828) 252-1849

ARCHITECTURAL
BUILDING "G"

SAND HILL APARTMENTS PHASE III
MADISON PROPERTIES
673 SAND HILL RD ASHEVILLE NC, PIN # 9627.04-93-8684 & 9627.07-59-1606

DATE: MAR 10, 2008
REV. 3

WAYNE DOUGLAS ROBERTS
REG. NO. 9414
ASHEVILLE, N.C.

SHEET NO:
A-7

24

ORDINANCE NO. 4424

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE CLARIFYING REQUIREMENTS FOR SIDEWALK CONSTRUCTION CONSISTENT WITH OTHER SECTIONS OF THE UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Unified Development Ordinance of the City of Asheville currently requires sidewalks be provided when building renovations exceed a certain percentage of the value of an existing structure; and

WHEREAS, the threshold was approved to be 75 percent of the value of the existing building to encourage a higher level of renovation and investment; and

WHEREAS, the amendment is a correction of the existing ordinance to reflect this percentage amount; and

WHEREAS, this proposed change to the ordinance is determined to be consistent with the comprehensive plan and other adopted plans and is reasonable in that it will allow for consistency within the UDO;

NOW; THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT THE UNIFIED DEVELOPMENT ORDINANCE IS MODIFIED AS NOTED BELOW:

1. Chapter 7, Article VII. Text Amendments and Map Amendments of the Code of Ordinances of the City of Asheville is hereby amended as follows:

    a. Sec. Sec. 7-11-8(b)(4) is amended and replaced with:

    "*All existing office, institutional, commercial, and industrial development additions or expansions to structures where the expansion results in an increase of more than 75 percent value of the structure as defined in section 7-11-1 of this chapter*"

2. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

3. All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

4. This ordinance will become effective upon adoption.

Read, approved and adopted this 9th of June 2015.

Magdalen Bouleson
City Clerk

Edna E. Parker
Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

26

ORDINANCE NO. 4425

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 23rd day of June, 2015.

Magdalen Bowlleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Technical adjustments to appropriate budget for: 1) Degradation Fee Revenue; and 2) Land Sale Proceeds.

Magdalen Bowlleson
City Clerk

City of Asheville
Budget Amendment Details

1. Effective Date: 6/23/2015
2. Fiscal Year: 2014-15

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

Finance & Mngt Dept | 5. Today's Date | 6. Preparer's Name

7. Comments/Purpose: Technical Year-End Budget Amendments for: 1) Degradation Fee Resurfacing Revenue, and 2) Land Sale Revenue for the Capital Improvement Program (CIP

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Appropriated Fund Balance- Degradation Fee			$0	
11000010:499100	2,218,518.00	2,218,518.00	2,546,832.33	328,314.33
			0.00	
Expenditures:			0.00	
Transfer to Gen Cap Proj Fund- Degradation Fee			0.00	
11090060:800410	150,000.00	228,275.00	478,314.33	328,314.33
			0.00	
			0.00	
			0.00	
Revenue:			0.00	
Appropriated Fund Balance- Land Sale Proceeds			0.00	
11000010:499100	2,546,832.33	2,218,518.00	2,855,081.84	308,249.51
			0.00	
Expenditures:			0.00	
Transfer to Gen Cap Proj Fund- Land Sale Proceeds			0.00	
11090060:800410	150,000.00	228,275.00	458,249.51	308,249.51
			$0	
			$0	
Revenue:			$0	
Oper Transfers from General Fd			$0	
41090231:498100:K1501	0.00	0.00	328,314.33	328,314.33
			0.00	
Expenditures:			0.00	
Infrastructure			0.00	
41000231:521001:K1501	2,200,000.00	108,573.95	2,528,314.33	328,314.33
			0.00	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:
By:
Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

28

ORDINANCE NO. 4426

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 23rd day of June, 2015.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Technical Budget Amendment for 2015 Water Bond Refunding

Magdalen Bullock
City Clerk

City of Asheville

Budget Amendment Details

1. Effective Date: 6/23/2015

2. Fiscal Year: 2014-15

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

Fianance & Mngt Dept | 6/2/2015 | 4. Requesting Department | 5. Today's Date | 6. Preparer's Name

7. Comments/Purpose: Technical Budget Amendment for 2015 Water Bond Refunding

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Proceeds of Debt - refunding			$0	
61000911:492002	$0	$0	$50,625,000	$50,625,000
Proceeds of Debt - Refund Prem			$0	
61000911:492003	$0	$0	$6,377,939	$6,377,939
Expenditures:			$0	
Payment to Defease Debt			$0	
61000911:711150	$0	$0	$56,538,954	$56,538,954
Cost of Issue			$0	
61000911:712204	$0	$0	$463,985	$463,985
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
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13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

30

ORDINANCE NO. 4427

ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO EXTENET SYSTEMS, INC. FOR INSTALLATION OF TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY OF THE CITY OF ASHEVILLE

WHEREAS, City Ordinance No. 3056 adopted on September 23, 2003, provided for the granting of franchises to install telecommunications facilities within its right-of-way; and

WHEREAS, the City has the authority pursuant to N.C.G.S. 160A-76 to grant franchises generally, and pursuant to N.C.G.S. 160A-319 has the authority to grant franchises specifically for the operations of telecommunications systems within the City; and

WHEREAS, the City has the authority pursuant to N.C.G.S. 160A-296 to exercise authority and control over the public streets in its jurisdiction, and pursuant to N.C.G.S. 160A-273, to grant easements in street rights-of-way; and

WHEREAS, the City Council finds tht it is in the interest of the public health, safety and welfare to grant a franchise to ExteNet Systems for the installation of telecommunications within the public right-of-way of the City of Asheville;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The "Right-of-Way Encroachment Agreement for Fiber Optic Cable and Franchise: attached hereto as Exhibit A, is hereby adopted, and the franchise issued as set forth therein.

Section 2. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of any remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. This ordinance shall become effective upon adoption.

Read and approved on first reading on the 23rd day of June, 2015, and final adoption on the 28 day of July 2015.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

RIGHT-OF-WAY ENCROACHMENT AGREEMENT FOR FIBER OPTIC CABLE AND FRANCHISE

THIS Fiber Optic and Facilities Installation Agreement and Telecommunications Franchise ("Agreement"), made and entered into this ____ day of _____, 2015, by and between the **City of Asheville**, a North Carolina municipal corporation (hereinafter known as the "City"), and **ExteNet Systems, Inc.,** a Delaware corporation (hereinafter known as the "Grantee"), authorized to do business in North Carolina, and having its principal place of business at 3030 Warrenville Rd. Suite 340 Lisle, Illinois 60532.

W I T N E S S E T H :

WHEREAS, the City has the authority pursuant to N.C.G.S. § 160A-296 to exercise authority and control over the public streets in its jurisdiction, and pursuant to N.C.G.S. § 160A-273, to grant easements in street rights-of-way; and

WHEREAS, pursuant to N.C.G.S. §160A-319, the City has the authority to grant franchises for the operation of telecommunications systems within the City, and on September 23, 2003, adopted Ordinance No. 3056 codified as Chapter 4.5 of the Asheville City Code, to provide for the granting of a non-exclusive franchise for telecommunications services in the City of Asheville; and

WHEREAS, Grantee proposes to encroach on the public rights-of-way located within the City of Asheville corporation limits with the construction and/or erection of the following: 1) aerial or underground fiber optic cable; 2) the placement of equipment cabinet(s) and related equipment within the right of way; or 3) the placement of a new wood or steel pole having sufficient capacity to accommodate a Grantee Facility, including, but not limited to: antennae, an equipment cabinet and related equipment attached entirely to the pole; or 4) the placement of new conduit, which shall be owned and operated by Grantee, necessary for the construction, maintenance and operation of Grantee's telecommunications system and necessary markers and appurtenances (the "Grantee's Facility or Facilities"), provided that Grantee complies with applicable rules, laws, ordinances required by the local governing jurisdiction;

NOW, THEREFORE, in consideration of the sum of $10.00 in hand received, and for other good and valuable considerations herein recited, the City hereby permits Grantee to encroach upon certain public streets and right of way in the City of Asheville for the purpose of installing Grantee's Facilities, subject to the following terms and conditions, and Grantee hereby agrees to said terms and conditions:

1. Authorization. This Agreement is and constitutes only a general authorization to encroach upon the public rights-of-way within the corporate limits of the City of Asheville; that each specific project, including the initial installation and any upgrades, improvements or extensions thereof (the "Project") and its location

proposed by the Grantee pursuant to this Agreement must first be approved by the City Public Works Director. Such approval shall not be unreasonably withheld, conditioned, or delayed; however, in the event the City Public Works Director disapproves the Project location, the City shall provide a written explanation, which includes an alternate location for said Project, such alternate location meeting the same service criteria as the original location proposed by Grantee. Pursuant to this Agreement, an "as built" drawing of each approved installation Project shall be incorporated into **Exhibit A** attached hereto. Upon approval by the City Public Works Director, a written permit (the "Permit") for a project must be issued, and applicable fees paid, if any, prior to the beginning of construction thereof, and that each specific Project shall be subject to the terms, conditions, and restrictions of this Agreement;

2. Manner of Installation. The manner of installation, operation, and maintenance of the Grantee's facilities within any such encroachments will be accomplished in accordance with the City's policies and procedures for accommodating utilities within public rights-of-way as provided in the Telecommunications Ordinance (Asheville Ord. No. 3056), and any subsequent revisions and amendments thereto. Information as to these policies and procedures may be obtained from the City Public Works Director. Grantee shall be responsible for all issues of traffic control in connection with its installation work, and shall submit a traffic control plan to the City Public Works Director, with approval by the City Public Works Director required prior to commencement of work on any segment of the installation.

(a) Grantee agrees to restore all areas disturbed during installation and maintenance to their condition immediately preceding construction at Grantee's expense. As used herein, "condition preceding construction" means restoration or replacement of any soil, fixtures, shrubs, trees, paving, curb and other features that existed in the right of way immediately prior to construction, unless otherwise directed or agreed to by the City. Any betterments installed or made at the City's request shall be paid for by the City, Grantee agrees to exercise every reasonable precaution during construction and maintenance to prevent eroding of soil, silting or pollution of rivers, streams, lakes, reservoirs, other water impoundments, ground surfaces or other property; or pollution of the air. There shall be compliance with applicable rules and regulations of the North Carolina Division of Environmental Management, North Carolina Sedimentation Control Commission, and with ordinances and regulations of the City relating to pollution prevention and control. When any installation or maintenance operation disturbs the ground surface and the existing ground cover, the Grantee agrees to remove and replace the sod or otherwise reestablish the grass cover to its condition preceding construction at Grantee's expense.

(b) Grantee agrees to pay the actual cost of any inspection of the work considered to be reasonably necessary by the City Public Works Director, such costs to be billed by the City at its customary rates and shall be paid within thirty (30) days of the date of the invoice.

(c) Grantee agrees to provide during construction and any subsequent maintenance proper signs, signal lights, flagmen and other warning devices for the protection of traffic in conformance with the latest Manual on Uniform Traffic Control Devices for Streets and Highways and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the City Public Works Director.

(d) Grantee agrees to give written notice of completion to the City Public Works Director upon completion of each Project.

(e) The City will cause a Permit to be issued for each Project it approves. Grantee shall cause a copy of said Permit, together with the technical standards and specifications applicable to the specific project, if any, to be available at each work site during any construction or installation authorized pursuant to this Agreement.

3. Installation on Other Property. Where Grantee Facility installation is to be in or upon any real property, pole, conduit, or other facility belonging to any person or entity other than the City, Grantee shall obtain appropriate permits and approvals from said person or entity. Nothing herein shall be construed as approving or permitting Grantee to make its installation on private property or on property belonging to or under the control of any public utility. If approval of the North Carolina Department of Transportation is required for installation within the right-of-way of any State-controlled road, Grantee shall obtain that approval. Upon request by the City, Grantee shall furnish satisfactory proof of permission or approval to install its cable on other than City-controlled public property.

4. Installation and Usage Fees. Grantee plans to install approximately 3 miles of fiber optic cable and associated small cell sites as shown on **Exhibit A**. Grantee shall be allowed to install its Telecommunications Facilities at additional locations under this Agreement upon approval of the Public Works Director, such approval not to be unreasonably withheld.

Grantee agrees to provide City with 8 strands of fiber in every build installed by Grantee within the City limits. The approximate value of this in kind service to the City is approximately $30,000 per mile, as estimated by the City.

In lieu of fees, Grantee agrees to provide City with access to eight (8) strands of fiber in every fiber run installed by Grantee within the City limits "Licensed Fiber." Title to the Licensed Fiber shall remain with Grantee and Grantee shall be

responsible for the maintenance and repair of the Licensed Fiber. Any additional fiber, equipment or attachments ("Attachments") placed on, over or under the Licensed Fiber by the City shall remain the responsibility of the City who will be responsible for maintaining, repairing and insuring such Attachments. The City agrees that the Licensed Fiber will be used solely for the City's internal communication needs only; the City expressly agrees to prohibit use of the Licensed Fiber by any other entity; and the City further agrees that it will not lease, resell, provide access to, or provide the Licensed Fiber to any other private telecommunications service competitor or non-government, competitive telecommunications or cable service provider.

5. Duration, Forfeiture.

(a) The term of the Agreement shall be for ten (10) years commencing on the date of execution of this Agreement (the "Initial Term"). The parties agree that the Agreement shall automatically renew for two (2) additional ten (10) year terms ("Renewal Term"), unless either party gives sixty (60) days notice of its intent to terminate prior to the expiration of the then current Initial Term or Renewal Term, as the case may be. After the fifth year of the Initial Term, and for any year of any renewal term, the Installation and Usage Fees set forth in Paragraph 4, may be reviewed to determine if a fee for additional new installation, rather than the agreed upon fee in lieu, is warranted.

(b) Unless extended in the manner provided herein, Grantee shall upon expiration of this Agreement (unless the parties have commenced good faith negotiations to extend the terms of this Agreement) immediately cease the use of Grantee's Facilities, and/or shall remove or disable such Facilities at its own expense, with the exception of the Licensed Fiber installed for the City as fee in lieu. However, all limitations on the City's use of the Licensed Fiber as described in the second paragraph of Section 4 above shall survive termination of this Agreement and shall remain in effect for as long as the City continues to use the Licensed Fiber.

(c) Any permit issued hereunder shall become void if actual construction for that Project contemplated herein has not begun within one hundred eighty (180) days from the date of the issuance of any permit for said Project, unless written waiver is secured by Grantee from the City.

(d) The parties agree to execute any other documents necessary to effectuate this Agreement, such as applications to the N.C. Department of Transportation, or to public utilities. Additionally, Grantee may prepare and cause to be recorded such easements, encroachment agreements or other documents or memoranda necessary to perfect its legal rights under this Agreement, and the City shall cooperate as necessary with respect to execution of said documents.

6. Protection of Public Health and Safety.

(a) Grantee binds and obligates itself to install and maintain the encroaching Grantee Facility in such safe and proper condition that it will not interfere with or endanger travel upon said public rights-of-way, nor obstruct nor interfere with the proper maintenance thereof, to reimburse the City for the cost incurred for any repairs or maintenance to its roadways and structures necessary due to the installation and existence of the Facilities of Grantee, and if at any time the City shall require the removal of, or changes in the location of, the said Facilities, that the said Grantee binds itself, its successors and assigns, to promptly remove or alter the said Facilities in order to conform to this requirement, without any cost to the City. The City Public Works Director may direct that any work in progress immediately stop should Grantee fail to comply with any terms of this Agreement or any Permit issued hereunder.

(b) Notwithstanding any provision to the contrary herein, the City, in its sole and absolute discretion, reserves the right to require Grantee to relocate its Facilities at Grantee's sole cost and expense if the right-of-way within which such Facilities are installed is abandoned or closed by the City, or if the Facilities of Grantee interfere with the installation, construction, maintenance, repair, or upgrade of the City's roadway, or City-owned utilities within the public right-of-way.

(c) If the public health or safety is threatened or impaired by Grantee as a consequence of this Agreement, as determined by the City in its sole and absolute discretion, then Grantee shall remedy or abate such threat or impairment as soon as practicable. That the City has the right to determine whether the public health is threatened or impaired shall not relieve Grantee from taking action as required when it would be reasonable to do so. Notwithstanding the foregoing, the City may, in its sole and absolute discretion, remedy or abate such threat or impairment to the public health or safety, and Grantee shall reimburse the City for the cost of labor and materials at its customary rates within thirty (30) days of its invoice therefore.

7. Termination.

(a) The City may terminate this Agreement for any material breach thereof by Grantee, following thirty (30) days written notice of any default on the part of Grantee, and a reasonable opportunity to cure said default. This for-cause termination shall not abrogate or modify any other term of this Agreement as to its duration or expiration.

(b) Grantee may terminate this Agreement for any material breach thereof by the City, following thirty (30) days written notice of any default on the part of the City, and a reasonable opportunity to cure said default. Grantee may terminate this Agreement without cause upon thirty (30) days notice and payment of all outstanding fees, and compliance with Paragraph 4.

(c) All limitations on the City's use of the Licensed Fiber described in the second paragraph of Section 4 above shall survive termination of this Agreement and shall remain in effect for as long as the City continues to use the Licensed Fiber.

8. Hold Harmless, Indemnity. Grantee shall indemnify and hold harmless the City, its officers, agents, employees, and independent contractors from any losses, costs, expenses, claims, judgments, suits or demands resulting or in a manner arising from the action or inaction of Grantee in construction, operation or maintaining its Facilities in connection with each Project or in exercising or failure to exercise any right or privilege granted by this Agreement, save and except, for any such losses, costs, expenses, claims, judgments, suits or demands resulting or in any manner arising from, or contributed to, by the negligent or willful action or inaction of the City or any of its officers, agents, employees, and independent contractors. Provided, however, Grantee's indemnification at any time is conditioned on the City having notified Grantee in writing of any such claim, demand or suit within such time as to give Grantee reasonable opportunity to resolve or defend the same on behalf of the City. In the event of such notification, Grantee shall have the sole and full responsibility for the resolution and defense of any such claim, demand or suit on behalf of the City, and the City shall cooperate fully with Grantee in such undertaking. City shall indemnify and hold harmless Grantee, its officers, agents, employees, and independent contractors from any losses, costs, expenses, claims, judgments, suits or demands arising directly out of the actions or failure to act of City or its officers, agents, employees, and independent contractors, or the breach of any provision of this Agreement, except to the extent attributable to the negligent or willful action or inaction of Grantee, its officers, agents, employees, and independent contractors. Notwithstanding anything to the contrary, Grantee shall obtain and maintain insurance in a form and amount as provided in the Telecommunications Ordinance (Asheville Ord. No. 3056) and the City shall be named as an additional insured on said policies, where appropriate. Certificates to this effect shall be provided to the City's Risk Manager. All insurance arrangements shall be subject to approval of the City's Risk Manager. Nothing herein shall be deemed to prevent the City from cooperating with the Grantee and participating in the defense of any litigation by its own counsel at its own cost and expense.

9. Notices. All notices, approvals, consents, requests, or demands or other communications and deliveries required or permitted to be given under this Agreement (i) shall be made in writing, signed by the party making the same and

addressed to the address and with the copies as specified below; (ii) shall specify the section of this Agreement pursuant to which it is given; (iii) shall be deemed given if delivered in person, on the date delivered; if sent by telecopier or e-mail, on the date of telephonic or electronic confirmation of receipt; or if mailed first class mail or if mailed as Certified Mail (in each, with postage prepaid), on the date mailed; and (iv) shall be deemed received if delivered in person, on the date of personal delivery; if telecopied, on the date of telephonic confirmation of receipt; or if so mailed, on the third (3rd) business day after being so mailed. Such notice shall not be effective unless copies are provided as specified below, but neither the manner nor the time of giving notice to those to whom copies are to be given need be the same as the addressee and such copies shall not control the date notice is deemed given or received. The addresses and requirements for copies are as follows:

If to the City:

City Manager
City of Asheville
P.O. Box 7148
Asheville, NC 28802
Phone: (828) 259-5604
Fax: (828) 259-5499

If to ExteNet Systems:

ExteNet Systems, Inc.
Attn: Executive Vice-President & CFO
3030 Warrenville Rd. Suite 340
Lisle, IL 60532
Phone: (630) 505-3800
Fax: (630) 577-1332
E-mail:

With copies to:

City Public Works Director
Attn: Greg Shuler
City of Asheville
P.O. Box 7148
Asheville, NC 28802
Phone: (828) 259-5617
Fax: (828) 232-4517
E-mail:

AND

City IT Department
Attn: Kevin Hymel, Technical Services Manager
Phone: (828) 259-5517
Mobile: (828) 552-9268
Email: khymel@ashevillenc.gov

With copies to:

ExteNet Systems, Inc.
Attn: General Counsel
3030 Warrenville Rd. Suite 340
Lisle, IL 60532

Or to such other address as any party subsequently shall have designated at any time, or from time to time, by notice given in accordance with this Paragraph 9.

10. No Partnership, Joint Venture or Agency. It is represented, accepted and agreed by the parties, severally, that each is an independent contracting party, is not and shall not become an agent of any other party to this Agreement. Under no circumstances shall the agreement be construed as an instrument of partnership, joint venture, or employment, between, among, or by, any of the parties.

11. Assignment of Agreement. It is mutually agreed by the parties hereto that this Agreement is not transferable by any party without the written consent of the other parties to this agreement, which consents shall not be unreasonably withheld, conditioned, or delayed. The above notwithstanding, Grantee shall have the right to assign or transfer this Agreement to an affiliated company or entity without the approval of the City.

12. Entire Agreement. This Agreement constitutes the entire understanding of the parties with regard to the subject matter hereof. In the event of a conflict between the terms of this Agreement and the Telecommunications Ordinance (Asheville Ord. No. 3056), the Telecommunications Ordinance shall control.

13. Binding Effects. This Agreement shall be binding upon the heirs, successors, assigns, agents, officials, and employees of the parties.

14. Reference. Use of the masculine includes feminine and neuter, singular includes plural; and captions and headings are inserted for convenience of reference and do not define, describe, extend or limit the scope or intent of this Agreement.

15. Interpretation. All of the terms and conditions contained herein shall be interpreted in accordance with the laws of the State of North Carolina.

16. Other Laws and Regulations.

    (a) Grantee will comply with any and all applicable federal, state and local standards, regulations, laws, statutes and ordinances specifically including but not being limited to those regarding toxic, hazardous and solid wastes and any other pollutants; public and private nuisances; health or safety; and zoning, subdivision or other land use controls. Grantee will take all reasonably necessary, proper or required safety, preventative and remedial measures in accordance with any and all regulations and directives from the North Carolina Department of Environment, Health and Natural Resources, the United States Environmental Protection Agency, Health Departments, and any other federal state or local agency having jurisdiction, to ensure the prompt prevention or cessation (now or in the future) of violations of either the applicable provisions of such standards, regulations, laws, statutes, and ordinances or any permits or conditions issued thereunder.

(b) The parties hereto acknowledge that any and all documents related to this transaction are or may be public records pursuant to N.C.G.S. Chapter 132. With respect to Grantee's confidential or proprietary information, Grantee shall take appropriate steps pursuant to Chapter 132 or other applicable sections of the North Carolina General Statute to designate such information confidential. The City may not be liable to Grantee for any release of information relating to this project that is in the City's possession unless such information has been so designated.

17. Amendments. This Agreement shall not be modified or otherwise amended except in writing signed by all of the parties.

18. Non-Discrimination. Grantee will take affirmative action not to discriminate against any employee or applicant for employment or otherwise illegally deny any person participation in or the benefits of the program which is the subject of this Agreement because of race, creed, color, sex, age, disability or national origin.

19. Survival. All representations, warranties and obligations of the City and Grantee herein shall survive the consummation or performance of the various transactions contemplated herein.

20. Execution in Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original.

21. Compliance Documentation. The City may inspect, or require Grantee to produce, such documents as may be necessary in the City's judgment to ensure compliance with the use limitations, installation, and any usage fee or payment provisions of this Agreement.

IN TESTIMONY WHEREOF, the City has caused this instrument to be executed in its legal name by its duly authorized representatives, and Grantee has caused this instrument to be executed in its respective corporate name, by its President.

Attest:

CITY OF ASHEVILLE

_____
Magdalen Burleson, City Clerk
(official seal)

By: _____
Gary W. Jackson, City Manager

Approved as to form:

_____
Robin T. Currin, City Attorney

EXTENET SYSTEMS, INC.

By: _____
Daniel L. Timm
Executive Vice-President & CFO

****

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, _____, a Notary Public of the County and State aforesaid, certify that Magdalen Burleson personally came before me this day and acknowledged that she is the City Clerk of the CITY OF ASHEVILLE, a North Carolina municipal corporation, and that by authority given and as the act of the corporation, that foregoing instrument was signed in its name by its City Manager and attested by herself as its City Clerk.

WITNESS my hand and notarial seal this ___ day of _____, 2015.

_____
Notary Public
My Commission Expires: _____

****

STATE OF ILLINOIS
COUNTY OF COOK

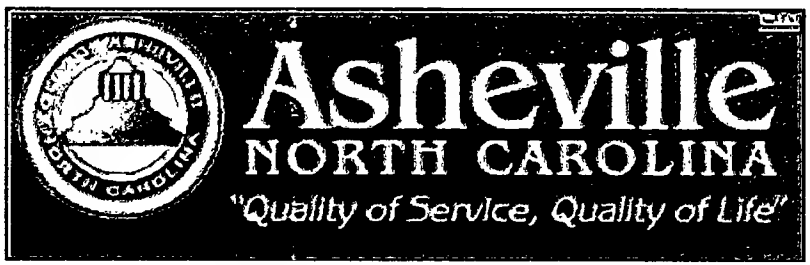
I, _____, a Notary Public of the county and state aforesaid, certify that Daniel L. Timm, personally came before me this day and acknowledged that he is Executive Vice-President and Chief Financial Officer of ExteNet Systems, Inc., a Delaware corporation, and that by authority duly given and as the act of the company, the foregoing instrument was signed in its name by its Executive Vice-President and Chief Financial Officer.

WITNESS my hand and notarial seal this ___ day of _____, 2015.

_____
Notary Public
My Commission Expires: _____

ExteNet Systems, Inc.
Distributed Antenna Systems

City of Asheville, NC: Project Introduction
March 16, 2015



extenet SYSTEMS SM YOUR NETWORK. EVERYWHERE.

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Corporate Overview

Who We Are:

- Telecommunications Utility
- Early industry entrant & innovator: founded in 2002
- Headquarters: Lisle, Illinois
- Managing networks in the United States & Canada
- 80 Joint-use Agreements with Utilities
- 32 States with Utility Grant of Authority

North Carolina Utility Commission:

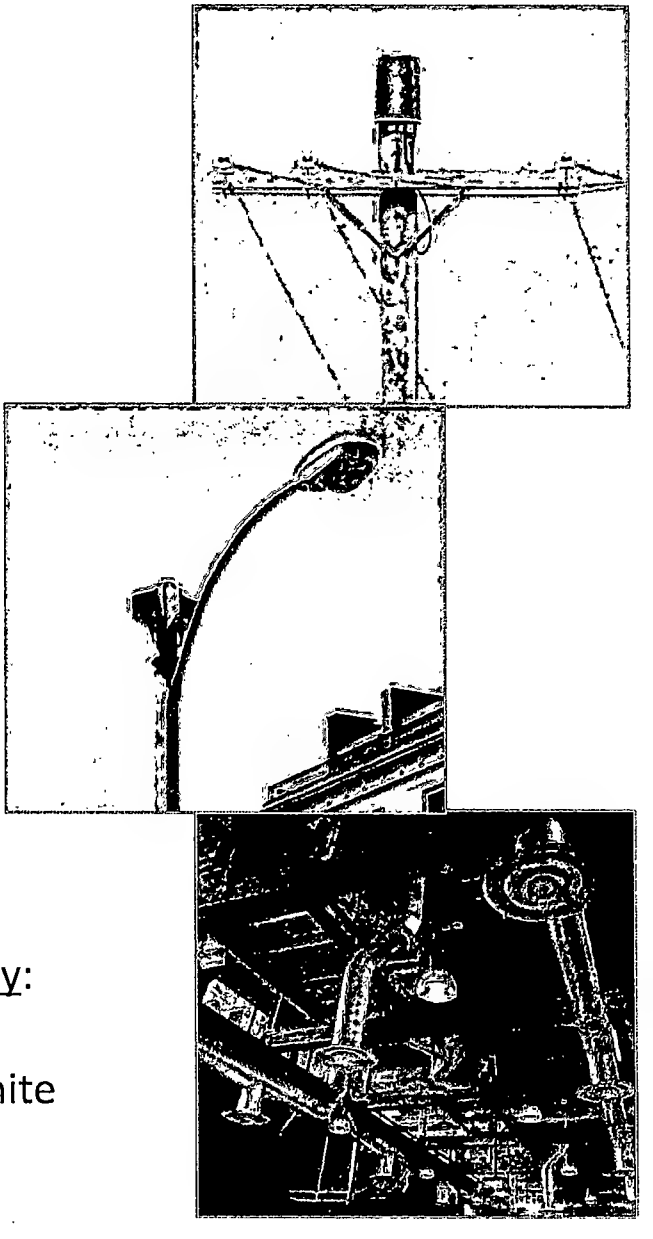
- CPCN: Docket # P-1497
- Issued 3/29/2010

Joint Use Agreements:

- Duke Progress Energy Company
- Bell South

Network in Asheville / North Carolina DOT Rights of Way:

- SC DOT: SR 70, South Tunnel Road.
- Local ROW: South Tunnel Road, River Hills Road, White Pines Drive.



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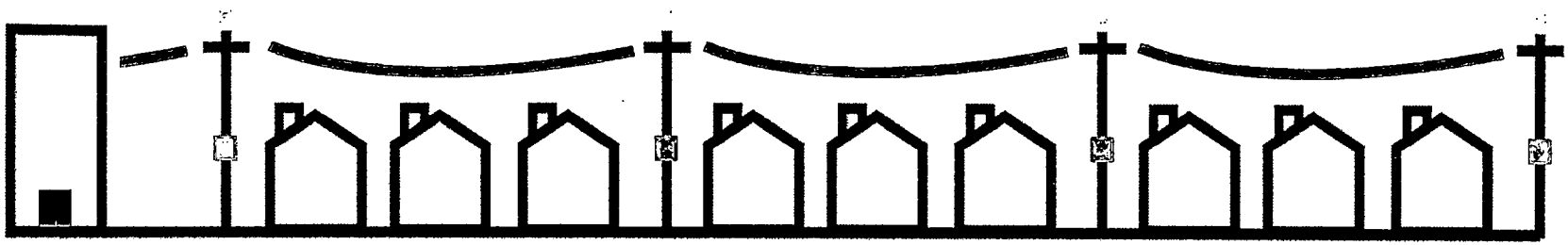
Small Cell / Distributed Antenna System (DAS) Technology Overview

One facility can house equipment from multiple wireless service providers

Typical BTS Hub will be located in an existing office building or other facility

Small antennas placed on existing utility poles, streetlights and or traffic signals.



Legend

Fiber Cable

Utility Poles

Homes

Building

Antenna

Node

BTS Hub

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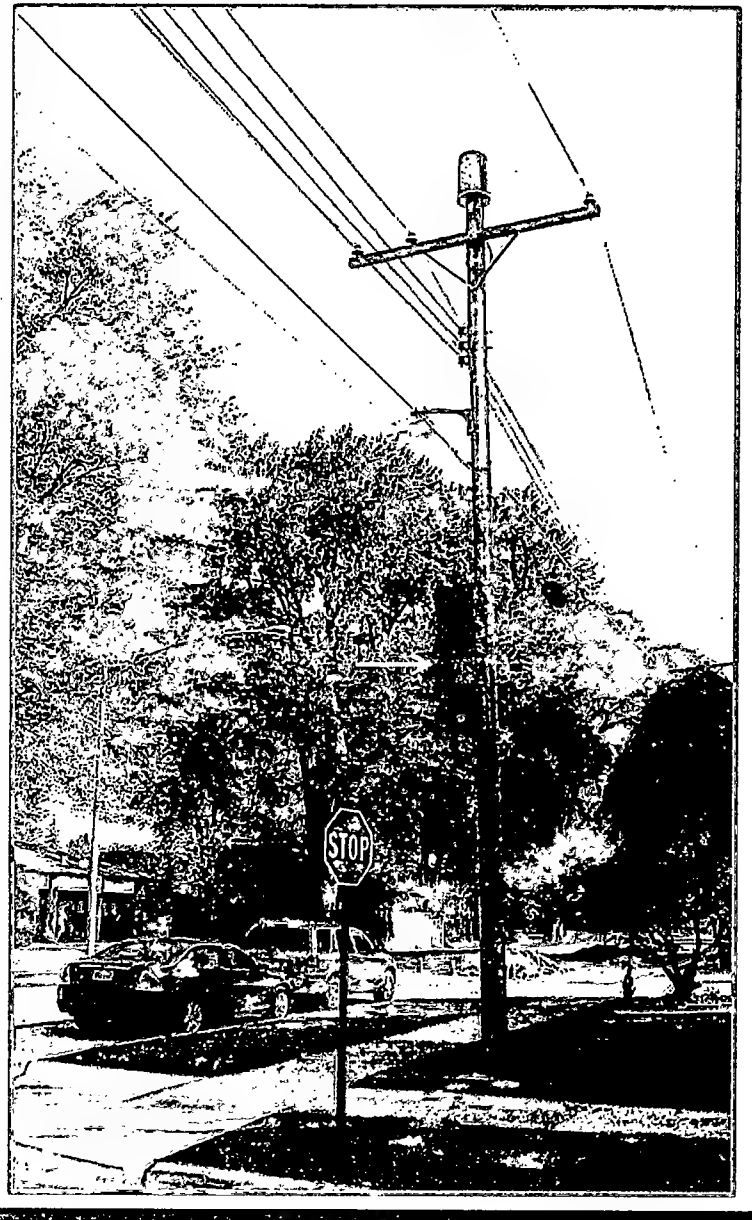
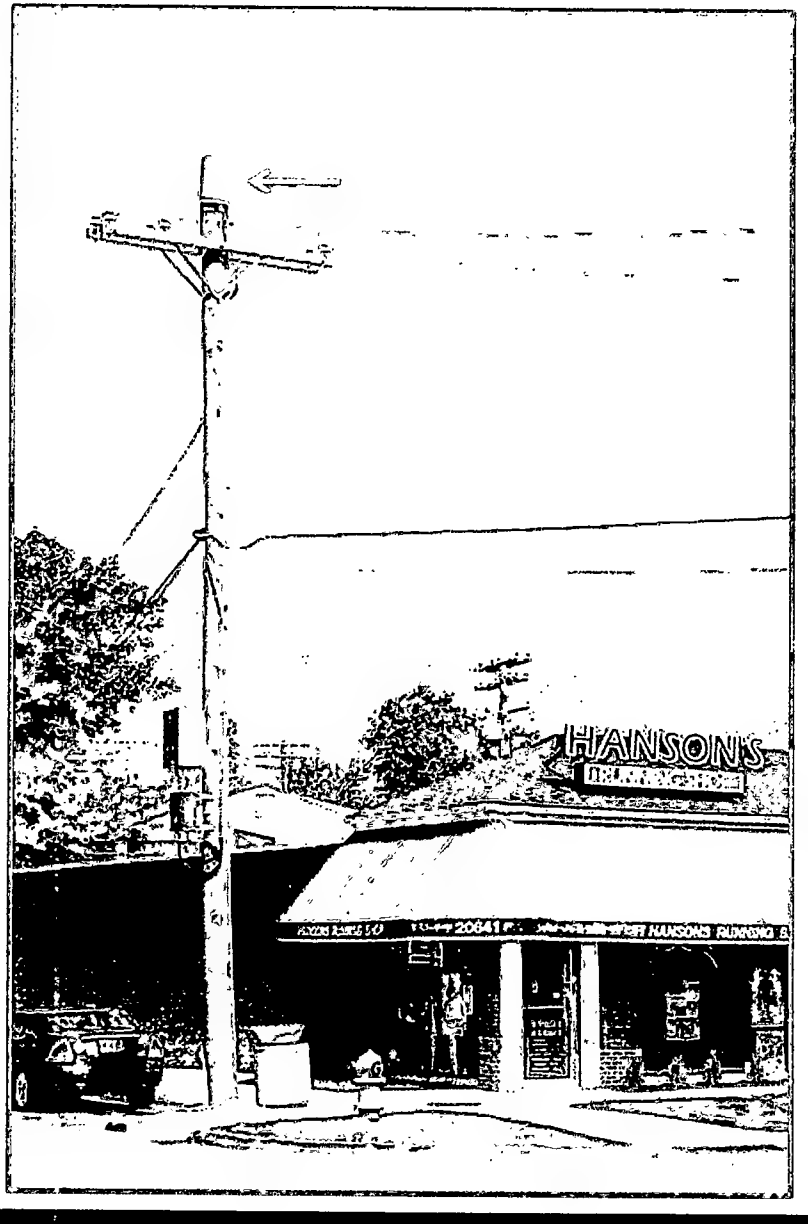
Deployment Strategy for Utility Poles with pole mounted equipment





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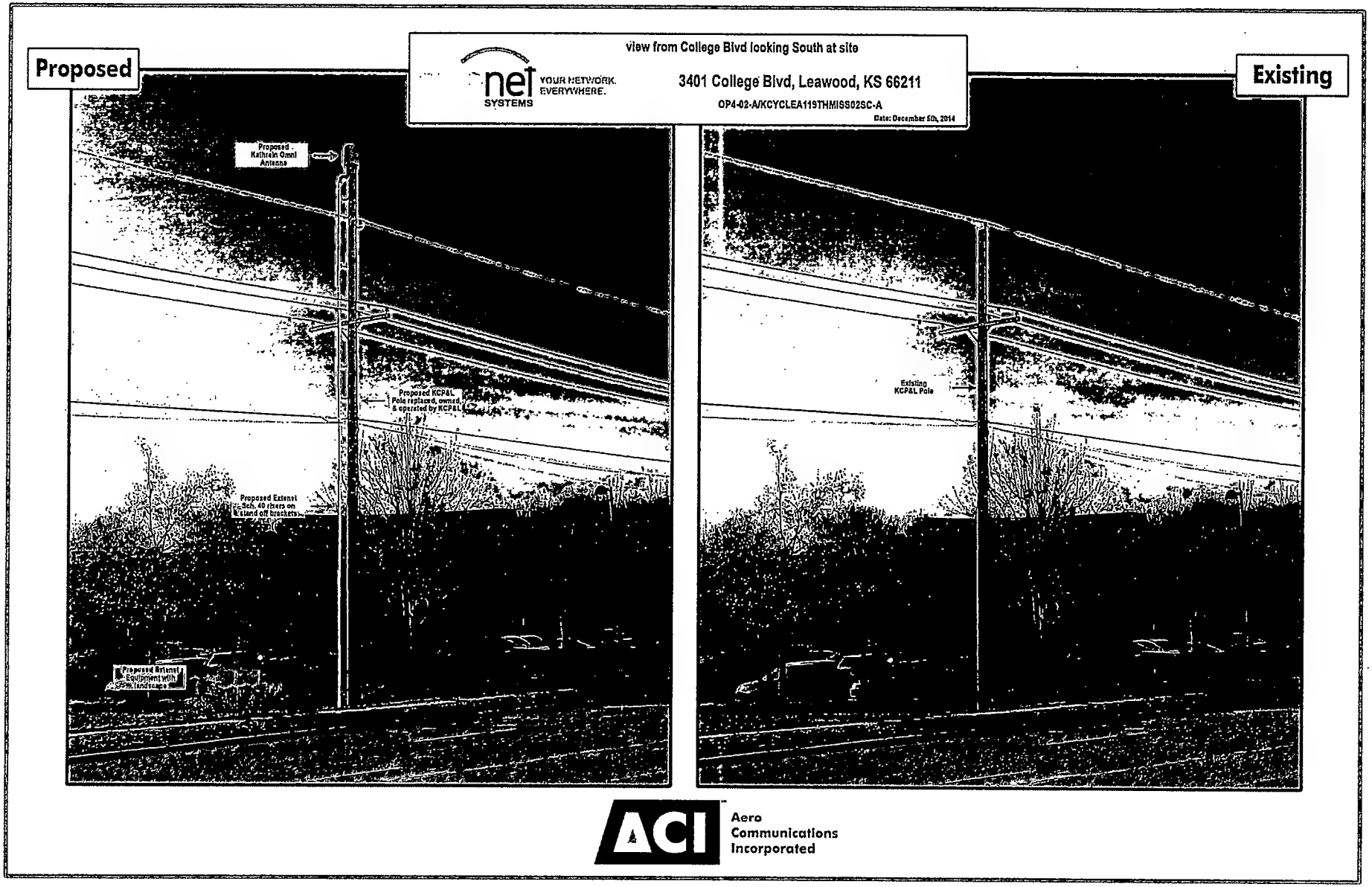
Deployment Strategy for Utility Poles with ground-based equipment


Proposed
view from College Blvd looking South at site
net SYSTEMS
YOUR NETWORK. EVERYWHERE.
3401 College Blvd, Leawood, KS 66211
OP4-02-A/KCYCLEA119THMISS02SC-A
Date: December 5th, 2014
Existing
Proposed Kathrein Omni Antenna
Proposed KCP&L Pole replaced, owned, & operated by KCP&L
Proposed Extenet Sch. 40 risers on stand off brackets
Proposed Extenet Equipment with Shroud
Existing KCP&L Pole
ACI
Aero Communications Incorporated

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Asheville Node & Fiber Network: City of Asheville / NC DOT

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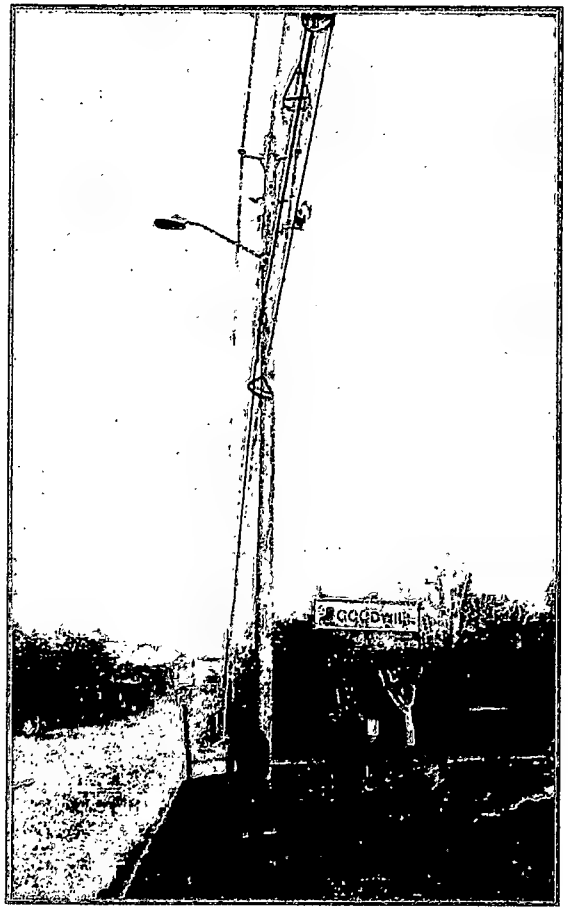
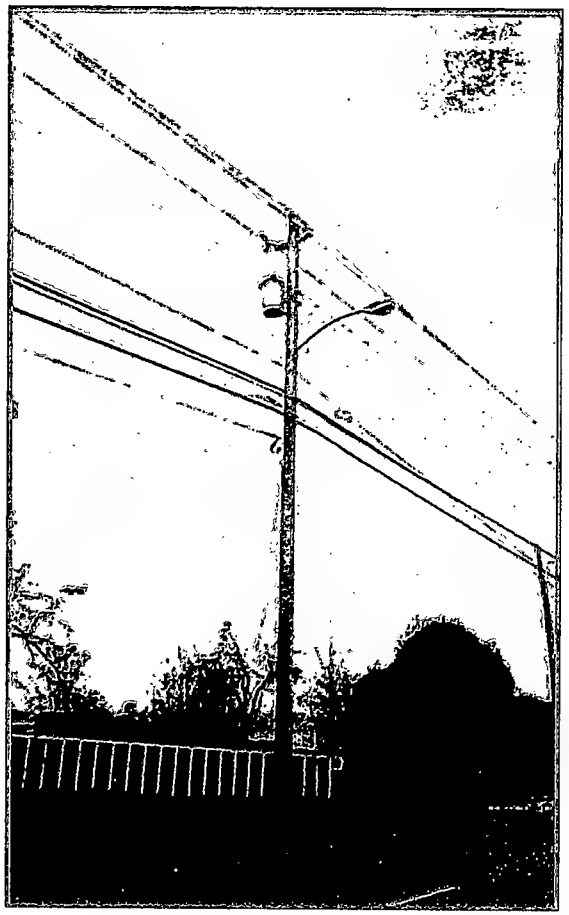
Node locations proposed within the Asheville, NC / NC DOT



Node AM 40: South Tunnel Road @ Swannanoa River Road. In front of Walgreen's.

Node AM 36: South Tunnel Road @ Asheville Mall. In front of HH Gregg / Joanna Fabric



Node AM 4: South Tunnel Road near Asheville Mall entrance. Across from Jared.

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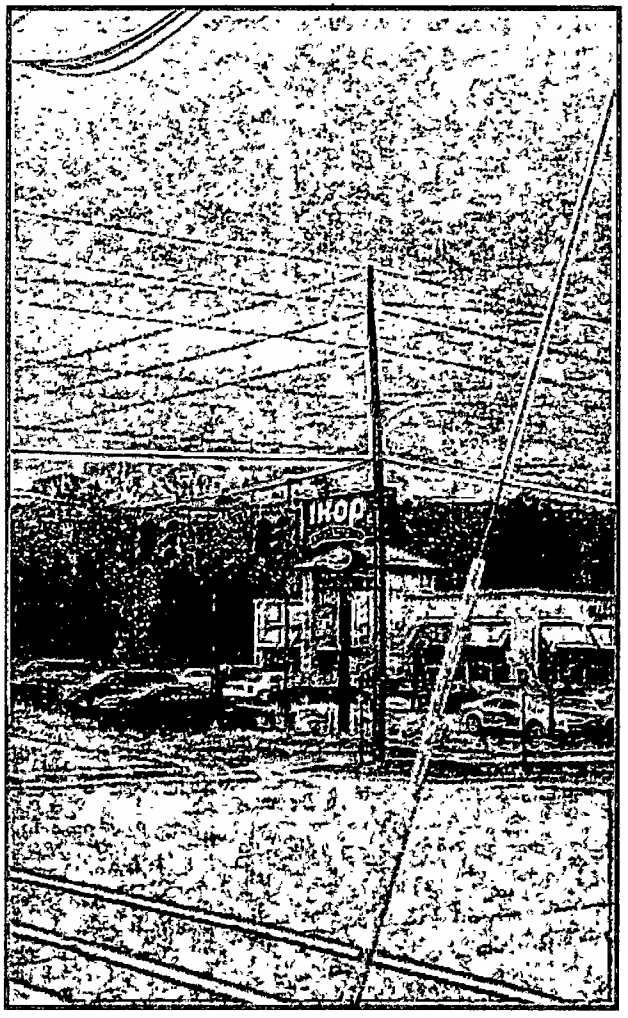
Node locations proposed within the Asheville, NC / NC DOT



Node AM1: SR 70 in Regional Commercial Area. Near IHOP.

Node AM 3: SR 70 near Hotels & Waffle House

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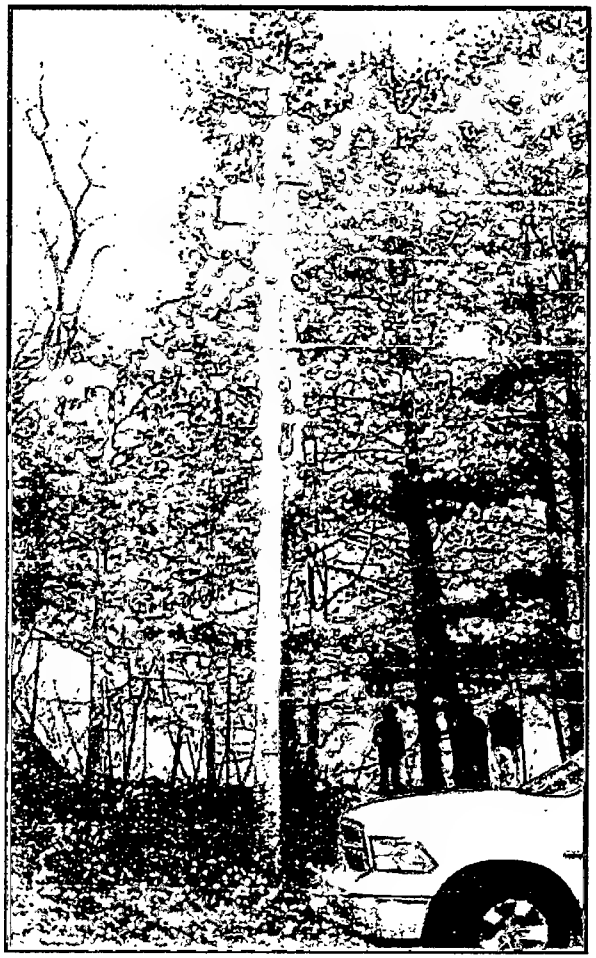
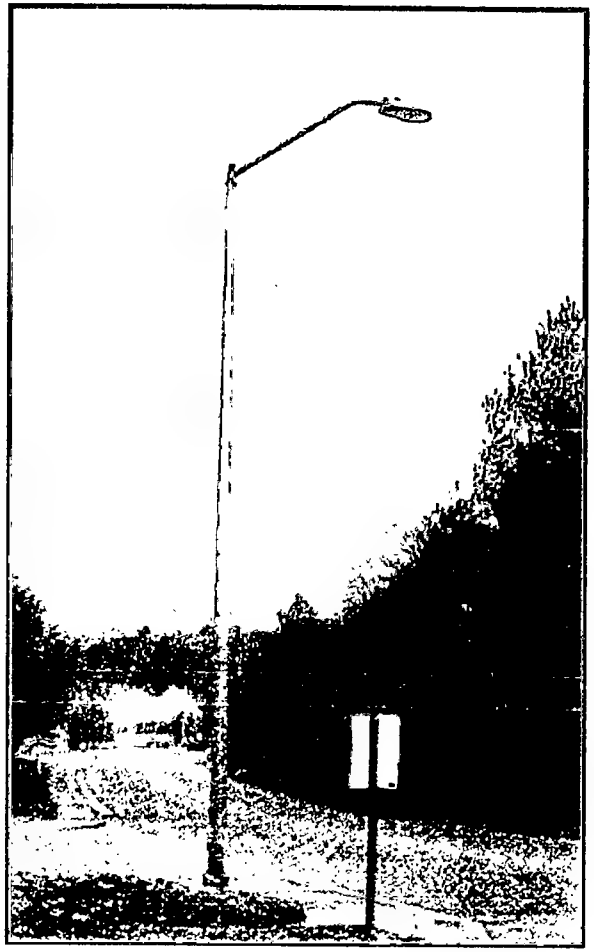
Node locations proposed within the Asheville, NC / NC DOT



Node AM 38:White Pine Court near City Park



Node AM 41: River Hills Road near Target and Movie Theater

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Project Overview / Discussion Items

ExteNet is grateful for the opportunity to invest in Asheville's essential infrastructure and is committed to constructing a world class telecommunications network for the benefit of local businesses, citizens and visitors.

Community Benefits:

- No cost to the City of Asheville – other than administrative review and permit issuance.
- Revenue opportunity for City of Asheville for future use of street light infrastructure.
- Superior aesthetics vs. traditional tower, billboard, or rooftop installations. ExteNet installation is visually smaller and less obtrusive than conventional macro cellular antennae's.
- The telecom network is designed to accommodate multiple wireless technologies concurrently.
- Public safety benefits through improvements to essential infrastructure.

Discussion Items / Next Steps:

- Asheville's jurisdictional authority for telecommunications projects within local ROW:
  - **Telecommunications Franchise:** Fiber optic cable network: aerial fiber and new conduit
  - **Development Services:** Installation of "Micro Cellular" installations onto DUKE poles
  - **City Engineer / DPW Encroachment Permits:** Utility installations within local ROW, including ground based utility cabinets, in locations where DUKE will not allow pole mounted equipment
- Asheville's jurisdictional authority for utility projects within North Carolina DOT ROW (SR 70):
  - **Nodes**: Use of existing utility poles, placement of NEW poles/structures, DOT-owned Light Poles
  - **Fiber Network**: Aerial fiber on existing utility poles, placement of NEW UG conduits
  - **Ground Equipment**: In locations where pole mount equipment is not allowed

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[redacted] [redacted] [redacted]

Thank You!

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54

ORDINANCE NO. 4428

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 23rd day of June, 2015.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Amendment for unexpected repair needs to the U.S. Cellular Center Exhibit Hall Air Conditioning units.

Magdalen Burleson
City Clerk

City of Asheville
Budget Amendment Details

1. Effective Date: 6/23/2015
2. Fiscal Year: 2014-15

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

Econ Dev - U.S. Cellular Center (4. Requesting Department) | 6/12/2015 (5. Today's Date) | (6. Preparer's Name)

7. Comments/Purpose: U.S. Cellular Center Exhibit Hall Air Conditioning Repairs

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Oper Transfers Civ Ctr Op			$0	
62790905:498626:C1501	0.00	0.00	72,038.00	72,038.00
			0.00	
Expenditures:			0.00	
Maint & Repair - Buildings			0.00	
62700905:522003:C1501	192,050.00	114,820.24	264,088.00	72,038.00
			$0	
			$0	
			$0

56

ORDINANCE NO. 4429

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating and Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 23rd day of June, 2015.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Approve funds be transferred from operating budget to capital budget and transfer a project expense from Traffic Safety project to JARC Pedestrian Signal project.

Magdalen Bowlson
City Clerk

City of Asheville

Budget Amendment Details

1. Effective Date: 6/23/2015

2. Fiscal Year: **2014-15**

3. Amendment to Operating _X_ and/or Capital Project _X_ appropriation.

4. Requesting Department	5. Today's Date	6. Preparer's Name
Transportation		

7. Comments/Purpose:

Budget Amendment for Job Access/Reverse Commute (JARC) Pedestrian Signal Grant Funding

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Oper Transfers Cap Reserve Fd				
41000213-498202 K0904	$84,742.00	$970.00	$60,742.00	($24,000.00)
Expenditures:				
Construction				
41000213-616102 K0904	$41,350.00	$0.00	$17,350.00	($24,000.00)
Revenue:				
Oper Transfers Cap Reserve Fd				
41002152-498202 T1101	$0.00	$0.00	$24,000.00	$24,000.00
Expenditures:				
Construction				
41002152-616102 T1101	$40,427.00	$2,655.30	$64,427.00	$24,000.00
Revenue:				
Oper Transfers from General Fd				
41092152-498100 T1101	$0.00	$0.00	$13,063.00	$13,063.00
Expenditures:				
Construction				
41002152-616102 T1101	$40,427.00	$2,655.30	$53,490.00	$13,063.00
Expenditures:				
Transfer to Gen Cap Proj Fund				
11090060-800410	$150,000.00	$228,725.00	$163,063.00	$13,063.00
Contracted Services				
11002100-521001	$42,500.00	$13,800.00	$29,437.00	($13,063.00)

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

58

ORDINANCE NO. 4430

ORDINANCE AMENDING A PREVIOUSLY APPROVED CONDITIONAL ZONING (NO. 4375) FOR PROPERTY(S) LOCATED AT 275 & 281 HAZEL MILL ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City and is determined to be reasonable and in the public interest as follows:

a. The proposed development supports the land use goal stated in the *Asheville City Development Plan 2025* of encouraging higher density development where infrastructure is or can be provided.
b. The proposal provides for affordable and workforce housing in alignment with Council's strategic goals.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PINs 9638.39-9131 and 9638.39-6188 and recorded in Deed Book 5285, Page 1406 as RM-16CZ (Residential Multi-Family High Density Conditional Zoning District) is amended for White Oak Grove Apartments to add nine additional dwelling units and amenities in ten multi-family buildings in accordance with the submitted revised plans. A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1" and is substantially compliant with the site plans shown in Exhibit "C", both attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 23rd day of June, 2015.

Magdalen Burleson
City Clerk

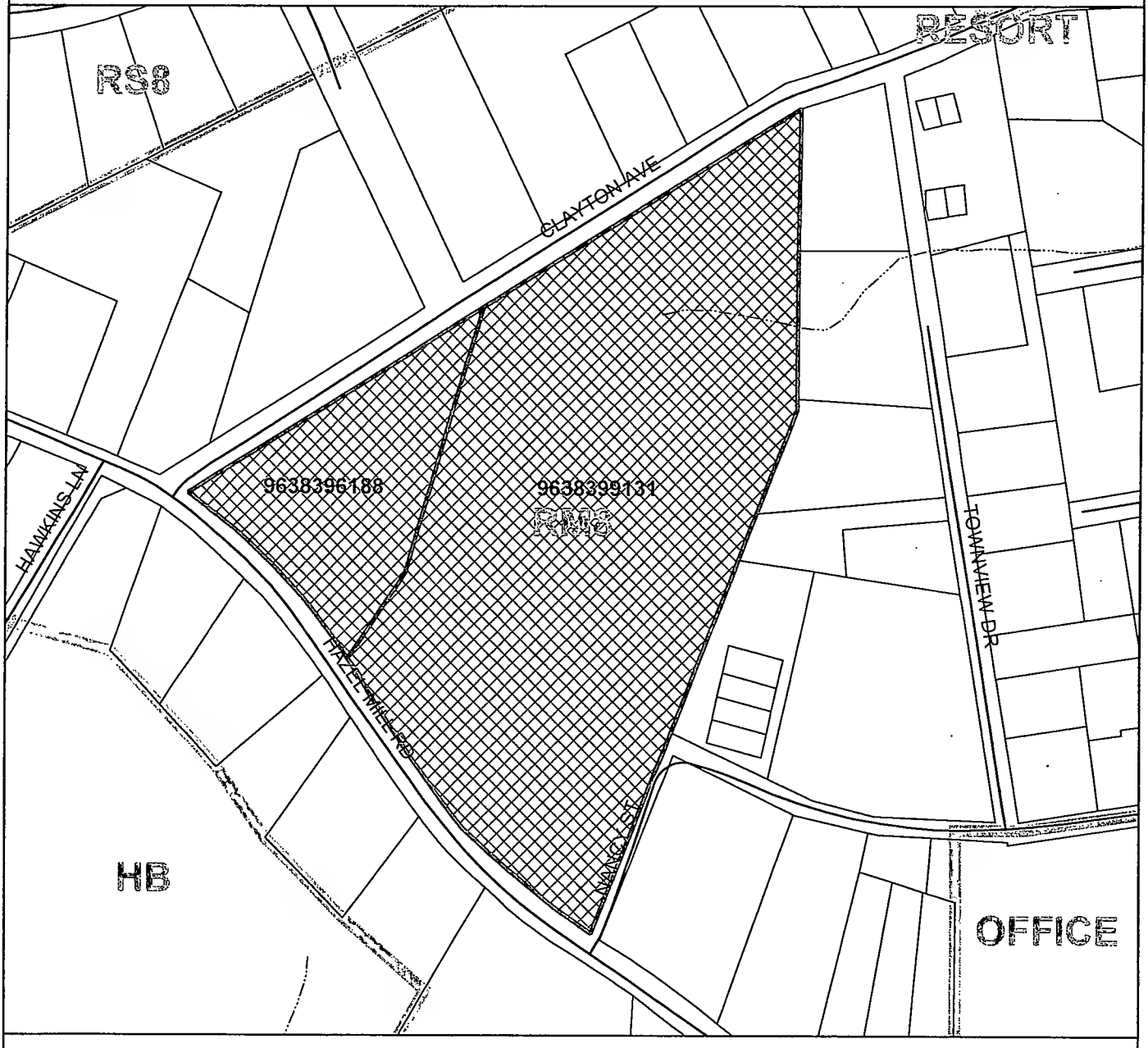
E. Anne E. Mumpower
Mayor

Approved as to form:

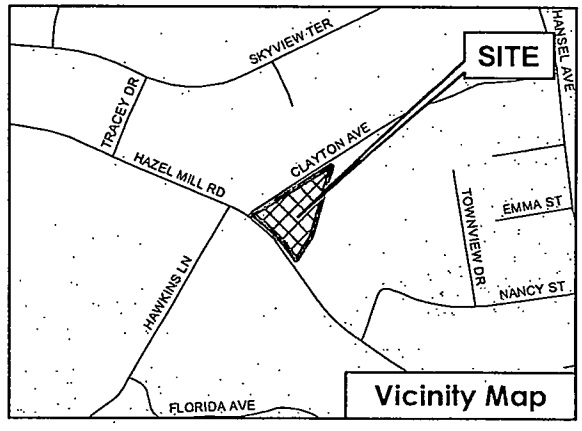
City Attorney

Magdalen Burleson
City Clerk

City of Asheville - Exhibit A Map
CZ - White Oak Grove Apartments



Project Name:	White Oak Grove Apartments
Project Number:	14-11898PZ
Project Description:	Multi Family Development
Petitioner(s):	Bob Grasso
Parcel ID Number(s):	9638-39-9131 9638-39-6188
Location/Address:	275 & 281 Hazel Mill Road



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Development Department - September 2014

EXHIBIT B.1
CONDITIONS

1. Approval is for a 113 unit multi-family development on property located at 275 and 281 Hazel Mill Road.
2. The subject properties must be combined prior to zoning approval.
3. The project shall be constructed to meet Healthy Built Homes standards.
4. 10% (12) of the units shall meet the City's standards for affordability for a period of 10 years from the issuance of the Certificate of Occupancy.
5. The developer shall provide annual bus passes for two years/unit and in perpetuity if a transit line returns to Hazel Mill Road.
6. The developer or property owner shall provide notice to the project's tenants that the private road off Hawkins Lane, which crosses the Harry's Cadillac Property (PIN 9638-38-4570-00000; Buncombe County Register of Deeds Book 780, Page 287) is a private road which is not available to access Patton Avenue. This notice should be printed by using a font and color sufficient to be noticed by the tenants and posted at a conspicuous location within the community. This notice shall also be provided to all new tenants in their written leases. A sample copy of the lease and posted notice shall be provided to the City prior to the issuance of the Certificate of Occupancy.
7. The developer will pay the City $14,000 to be used for the construction of sidewalks along Hazel Mill Road. This money must be provided to the City prior to zoning permit issuance.
8. Signage shall be separately permitted and shall meet the standards of the City of Asheville Sign Ordinance (Article XIII of Chapter 7 of the Code of Ordinances).
9. All site lighting must comply with the City's Lighting Standards (Section 7-11-10 of the Code of Ordinances). Proposed lighting plans must be submitted at Final TRC.
10. All landscaping must meet the minimum size requirements set forth in Section 7-11-3(f)(3) of the UDO. All existing vegetation that is to be preserved must be indicated on the site, landscape and grading plans.
11. The project shall comply with all conditions outlined in the TRC staff report as listed below:
    a. Correct parking minimums and maximums. Maximum should be 226 and minimum 113.
    b. A lighting plan will need to be provided for Final TRC.
    c. For Final TRC, provide a separate landscape plan for ease of final inspection.
    d. Plans to receive credit for trees will have to be evaluated during and post-construction to determine tree health and compliance. A tree survey may be required for those trees which will be counted for credit.
    e. ADA compliance, especially 2% maximum cross slope, must be maintained across driveway aprons. Depict the ADA compliant crossing at driveways.
    f. Call out bicycle rack locations and details.
    g. Dimension internal parking spaces.
    h. Show ADA ramps at intersections.
    i. Ensure that 90-degree interior parking does not allow vehicles to encroach on sidewalk width.
    j. Is the hatched area connecting Buildings A and C a crosswalk? As a mid-block crossing, high visibility markings are appropriate, but not the hatching pattern shown.The PROWAG refers to both a pedestrian circulation path and a pedestrian access route contained within the circulation path. Note that tree branches lower than 80 inches above the finished surface of the sidewalk shall not protrude more than 4 inches horizontally into the pedestrian circulation path. The pedestrian access route must not ever be less than 48

inches wide by 84 inches high, and must contain wider passing zoning at regular intervals. PROWAG standards must be met. See the PROWAG at http://www.access-board.gov/guidelines-and-standards/streets-sidewalks/public-rights-of-way/proposed-rights-of-way-guidelines.

k. Confirm accessible parking requirement per Table 1106.1 and 1106.2
l. Provide percent of grade on all privately maintained sidewalks (5% max) or provide fully detailed ramps. Sidewalks that are maintained by the city are allowed to follow the grade of the adjacent roadway.
m. Please provide enlarged plans to depict elevations of all stair landings, width, handrails and other technical details required to show compliance with the building codes for stairs, walks, ramps etc.
n. Plans note a "Handrail (typ)" all retaining wall locations. Changes in elevation 30" or more shall be protected with a *Guardrail.* The guardrail shall be 42" minimum in height and prevent the passage of a 21" sphere unless adjacent to a walking surface. Where adjacent to walking surfaces the guardrail shall comply with Section 1013 of the NCBC.
o. Site amenities like trash collection must be on an accessible route, also provide access to disposal within allowed reach range. Reference Fair Housing Guidelines.
p. Provide spot elevations at all accessible parking spaces, access aisles and curb ramps connecting accessible parking to accessible route.
q. Plans do not show a street name. Proposed new access street shall be named a new unique street name. Recommend street name suffix of CIRCLE (or abbreviated as CIR).
r. Each building should be assigned a unique building number. Plans show in line sequence numbering for each building (1-10). Odd numbers shall be assigned to buildings on the right side of the street and even numbers for the left side of the street. The beginning point of origin of the street will be the intersection closest to Hazel Mill Road. Split level buildings with basement level units typically use a leading double zero unit number such as 001 series numbers, first floor units to use 100 series numbers, second floor units to use 200 series numbers and so forth.
s. Applicant to submit proposed address assignment scheme to my attention prior to submitting plans for Final TRC review.
t. Water service shall be provided per the conditions of the Letter of Commitment.TRC review and approval does not constitute approval of any waterline extension or service connection. A separate plan review will be required per the terms outlined in the issued Letter of Commitment.
u. Need to obtain all necessary right-of-way and utility cut permits.
v. Use City of Asheville standard sidewalk details.
w. Extend sidewalk to property line.
x. Clarify type of easement for multi-use path.
y. Clarify where Stormwater utilities connect to existing infrastructure.
z. Relocate trees out of sight triangles at intersections.
aa. Mark internal roads as private in plans.
bb. Separate grading and stormwater permit applications are required and shall be submitted concurrent or prior to submittal of TRC final plans. Detailed plans and stormwater calculations will be required with the permit applications.
cc. The project is not exempt from certain provisions of post-construction stormwater quality and quantity control regulations because the ultimate development or redevelopment will cumulatively result in a disturbed area that exceeds one acre. Quality and quantity stormwater management will be required in accordance with City of Asheville Unified

Development Ordinance Section 7-12-2. [Ref.: City of Asheville Code of Ordinances, Part II, Section 7-12-2 (a) (7) b]

dd. Any stormwater infrastructure installed as part of the re-development, regardless of the requirement for a Stormwater Permit, shall comply with the requirements of the City of Asheville Unified Development Ordinance, Section 7-12-2, the City of Asheville Standard Specifications and Details Manual and the NCDENR Stormwater BMP Manual unless otherwise approved by the Stormwater Administrator.

ee. All site grading activities are to be conducted under a master Grading Permit.

ff. Development of the individual apartment buildings shall each be accompanied by a grading permit application and a Grading Permit Waiver will be issued. This method will facilitate a Temporary Certificate of Compliance for the entire site and Temporary Certificates of Occupancy for each of the apartment buildings to be occupied individually. The entire site and all of the apartment buildings will receive final Certificates of Compliance and Occupancy, respectively, at the conclusion of the project.

gg. Driveway Permits and/or Encroachment Agreements will be required to conduct work within the City of Asheville road rights-of-way along Hazel Mill Road and Clayton Avenue.

hh. A pre-construction conference will be required for this project. The conference will be scheduled after all City departments have completed their review, and after any required Grading and Stormwater have been approved.

ii. MSD approves contingent upon engineer/developer complying with requirements of allocation approval letter and any subsequent review comments.

jj. A separate plan review submittal to MSD is required for the public sewer extension/upgrade.

kk. Building permits cannot be released until separate review for sewer is complete and a permit to construct has been issued.

ll. Upon issuance of a permit to construct sewer service applications along with payment of fees will be required for each each building prior to issuance of building permits. These may be done individually as permits are pulled

mm. Certificates of Occupancy will not be released until MSD has approved the construction of the sewer extension and completed final document closeout.

12. The building design, construction materials, and orientation on site must substantially comply with the site plan (attached hereto as Exhibit C) and incorporated by reference. Any major deviations from these plans may result in reconsideration of the project by the reviewing boards.

13. A planning inspection is required prior to obtaining a certificate of occupancy. This inspection should be scheduled through the Development Services inspection line.

PROJECT INFORMATION

SITE INFORMATION

PLANT LIST

NORTH

SCALE: 1" = 50'

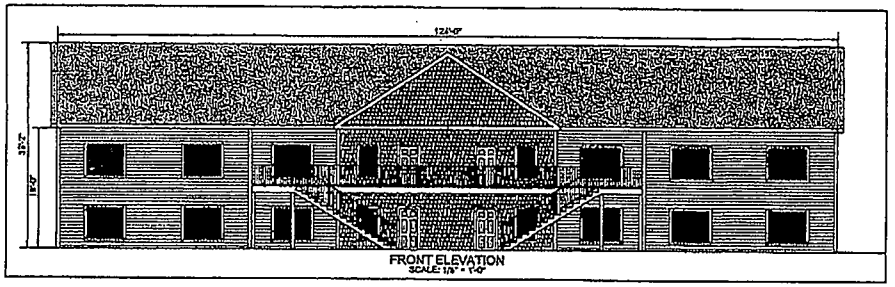
LAND PLANNING COLLABORATIVE

SITE PLAN

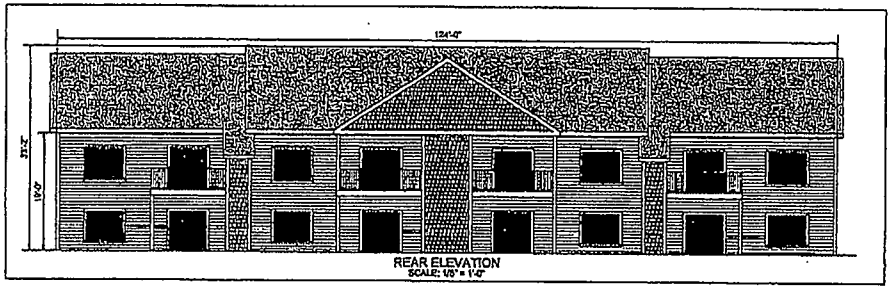
WHITE OAK GROVE APARTMENTS
ASHEVILLE, NORTH CAROLINA

SHEET
1 OF 1

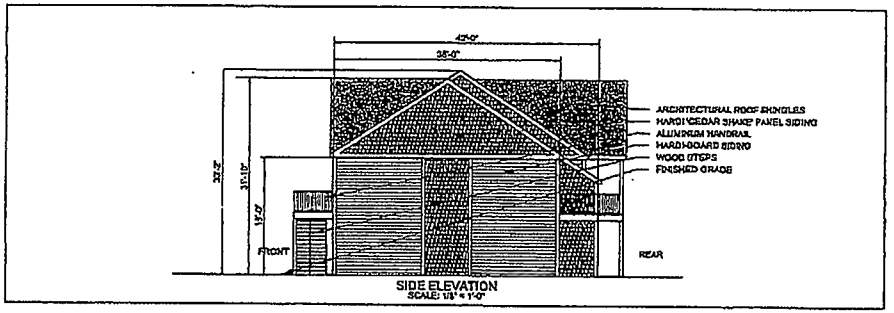
Exhibit C



FRONT ELEVATION
SCALE: 1/8" = 1'-0"



REAR ELEVATION
SCALE: 1/8" = 1'-0"



SIDE ELEVATION
SCALE: 1/8" = 1'-0"

PROJECT INFORMATION

OWNER/APPLICANT:	WHITE OAK GROVE, LLC 19 HOUSTON STREET ASHEVILLE, NC 28801 PHONE: (828) 575-2909 CONTACT: KENNETH GRAVES, MANAGING MEMBER
LAND PLANNER:	LAND PLANNING COLLABORATIVE, P.A. 37 ARLINGTON STREET, SUITE 9 ASHEVILLE, NC 28801 PHONE: (828) 575-2902 CONTACT: KEVIN M. GRADIS, ASLA
CIVIL ENGINEER:	BENCHMARK ENGINEERING & SURVEYING 37 ARLINGTON STREET ASHEVILLE, NORTH CAROLINA 28801 PHONE: (828) 575-9700 CONTACT: MARK C. BENTLEY, PE
SURVEYOR:	CRAIG, NOLL, MALLORY & ASSOCIATES, INC. 28 NORTH MARKET STREET ASHEVILLE, NORTH CAROLINA 28801 PHONE: (828) 252-0092 CONTACT: DAVID A. NOLL, PLS

SITE INFORMATION

PIN:	9648.19.99.11 & 9648.19.98.98
ADDRESS:	325 & 341 NEW HALL WOODS
ZONING CLASSIFICATION:	MU-S
CONDITIONAL ZONING CLASSIFICATION:	PUD-6
PROPOSED USE:	APARTMENTS
TOTAL ACREAGE:	6.001 ACRES
BUILDING SETBACKS:	40'
BUILDING SEPARATION:	MIN. PER CODE
NUMBER OF UNITS PERMITTED:	133 UNITS
NUMBER OF UNITS PROPOSED:	133 UNITS
NUMBER OF BUILDINGS:	10 BUILDINGS
NUMBER OF STUDIO UNITS:	190 BED ROOMS
BEDROOM COUNT:	1 BEDROOM & 2 BEDROOMS UNITS
DENSITY CALCULUS:	1 UNIT/1,500 SF
DENSITY PERMITTED:	1 UNIT/1,500 SF
BUILDING 1 (A):	3 STORY CLUBHOUSE
NUMBER OF GARAGES:	1 BUILDING
NUMBER OF UNITS:	8 UNITS
BUILDING HEIGHT:	39'-0"
1ST FLOOR BUILDING FACADE OPENINGS:	12'-3" (TO ROOF RIDGE) 24,999 (33.33 %) (1,143 SF)
2ND FLOOR BUILDING FACADE OPENINGS:	23,999 (33.33 %) (1,143 SF)
BUILDING C'S:	3 STORY BUILDING
NUMBER OF GARAGES:	1 BUILDING
NUMBER OF UNITS:	9 UNITS
	1 OFFICE/MANAGEMENT UNIT 1 ACCESSIBLE STORAGE UNIT 7 FITNESS UNIT
BUILDING HEIGHT:	39'-0"
1ST FLOOR BUILDING FACADE OPENINGS:	12'-3" (TO ROOF RIDGE) 24,999 (33.33 %) (1,143 SF)
2ND FLOOR BUILDING FACADE OPENINGS:	23,999 (33.33 %) (1,143 SF)
BUILDING C'S:	3 STORY BUILDING
NUMBER OF GARAGES:	1 BUILDING
NUMBER OF UNITS:	9 UNITS
BUILDING HEIGHT:	39'-0"
BUILDING D'S:	42'-0" (TO ROOF RIDGE) 3 STORY BUILDING
NUMBER OF GARAGES:	1 BUILDING
NUMBER OF UNITS:	12 UNITS
BUILDING HEIGHT:	39'-0"

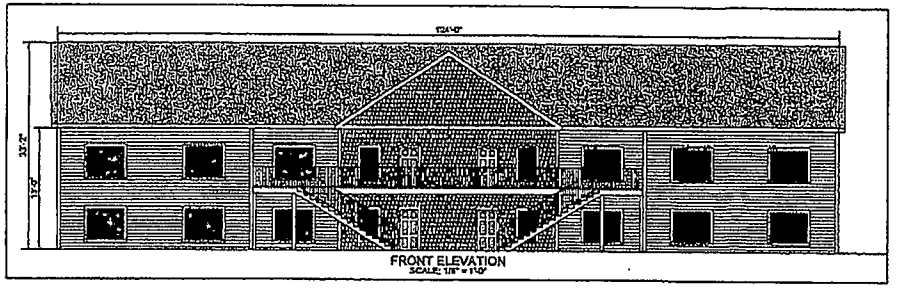
LAND PLANNING COLLABORATIVE

BUILDING ELEVATIONS
BUILDING TYPE 'A'

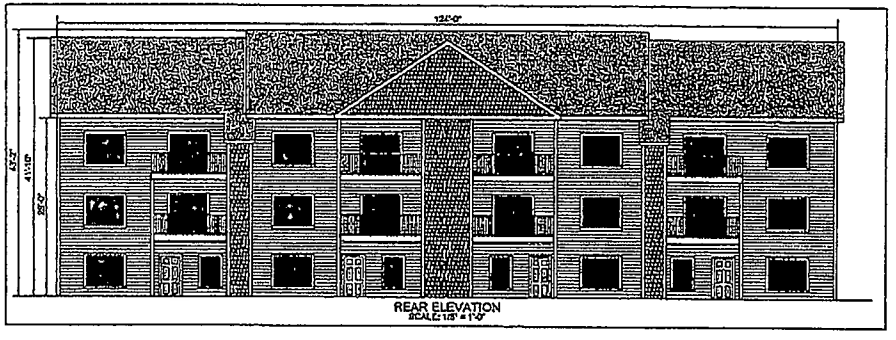
WHITE OAK GROVE APARTMENTS
ASHEVILLE, NORTH CAROLINA

NO.	DATE	BY
1	10/09/13	KMG
2		
3		
4		
5		

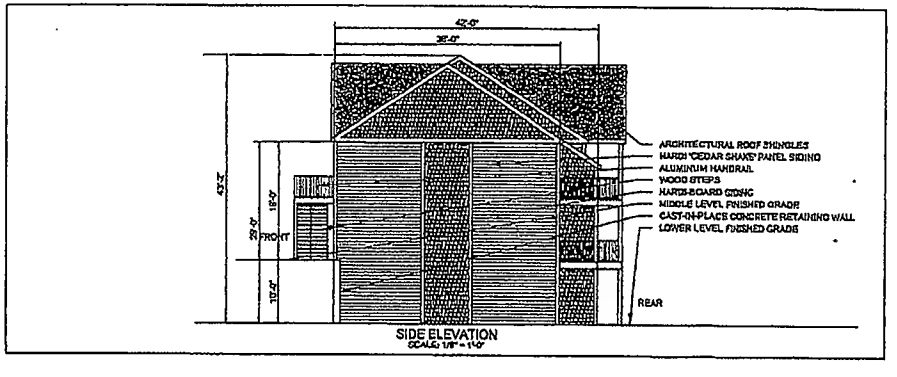
SHEET
5 OF 11



FRONT ELEVATION
SCALE: 1/8" = 1'-0"



REAR ELEVATION
SCALE: 1/8" = 1'-0"



SIDE ELEVATION
SCALE: 1/8" = 1'-0"

PROJECT INFORMATION

OWNER/APPLICANT:	WHITE OAK GROVE, LLC 98 MADISON PARK ROAD ASHEVILLE, NC 28804 PHONE: (828) 505-1600 CONTACT: ROBERT CHASE, MANAGING MEMBER
LAND PLANNER:	LAND PLANNING COLLABORATIVE, P.A. 37 ARLINGTON STREET, SUITE D ASHEVILLE, NC 28801 PHONE: (828) 505-2400 CONTACT: ELIZABETH M. CLASEY, ASLA
CIVIL ENGINEER:	DEVORE ENGINEERING ASSOCIATES 17 ARLINGTON STREET ASHEVILLE, NORTH CAROLINA 28801 PHONE: (828) 505-7001 CONTACT: MARK C. DEVORE, PE
SURVEYOR:	CRAIG, RITTLE, SADLER & ASSOCIATES, P.C. 29 SOUTH MARKET STREET ASHEVILLE, NORTH CAROLINA 28801 PHONE: (828) 254-4070 CONTACT: DAVID A. RITTLE, PLS

SITE INFORMATION

PIN:	[illegible]
ADDRESS:	[illegible]
PRESENT CLASSIFICATION:	[illegible]
CONDITIONAL ZONING CLASSIFICATION:	[illegible]
PROPOSED USE:	[illegible]
TOTAL ACREAGE:	[illegible]
BUILDING SETBACKS:	[illegible]
BUILDING SEPARATION:	[illegible]
NUMBER OF UNITS PERMITTED:	[illegible]
NUMBER OF UNITS PROPOSED:	[illegible]
NUMBER OF BUILDINGS:	[illegible]
NUMBER OF BUILDINGS:	[illegible]
RECREATION AREA:	[illegible]
DENSITY PERMITTED:	[illegible]
DENSITY PROPOSED:	[illegible]
BUILDING "A":	[illegible]
NUMBER OF BUILDINGS:	[illegible]
NUMBER OF UNITS:	[illegible]
BUILDING HEIGHT:	[illegible]
1ST FLOOR BUILDING FACADE OPENINGS:	[illegible]
2ND FLOOR BUILDING FACADE OPENINGS:	[illegible]
BUILDING "B":	[illegible]
NUMBER OF BUILDINGS:	[illegible]
NUMBER OF UNITS:	[illegible]
BUILDING HEIGHT:	[illegible]
BUILDING "C":	[illegible]
NUMBER OF BUILDINGS:	[illegible]
NUMBER OF UNITS:	[illegible]
BUILDING HEIGHT:	[illegible]

LAND PLANNING COLLABORATIVE

BUILDING ELEVATIONS
BUILDING TYPE 'B'

WHITE OAK GROVE APARTMENTS
ASHEVILLE, NORTH CAROLINA

NO.	DATE	BY
1	[illegible]	[illegible]
2		
3		
4		
5		

SHEET
6 OF 11

ORDINANCE NO. 4431

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO REVISE THE ALLOWANCES FOR ACCESSORY DWELLING UNITS

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Unified Development Ordinance (Chapter 7 of the City Code of Ordinances) provides allowances for accessory dwelling units and the options for such units should be expanded; and

WHEREAS, this Ordinance is determined to be reasonable, in the public interest, and is consistent with the Comprehensive Plan in the following ways:

1. It employs zoning tools to increase the supply of housing that is compatible with existing neighborhoods;
2. It provides incentives for infill development throughout the City; and
3. It provides needed residential units while making efficient use of existing housing stock, parcels of land and community infrastructure.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Chapter 7 of the Code of Ordinances of the City of Asheville is hereby amended as follows:

a. Section 7-2-5 is amended by altering the following definitions:

Accessory dwelling unit means a separate and complete dwelling unit that is contained on the same lot as the structure of a single-family dwelling or business.

Accessory dwelling commercial caretaker means a residence located on premises with a main nonresidential use and occupied only by a caretaker or guard employed on the premises and, as applicable, his or her family.

b. Section 7-8-1(d) regarding Table of Permitted Uses is amended by changing "Accessory apartment" to "*Accessory dwelling unit*" under the category of "*Residential Uses*" and changing the use type as follows:
RS2- P
RS4- P
RS8- P

RM6- P
RM8- P
RM16-P

c. Section 7-8-1(d) regarding Table of Permitted Uses is amended by changing "Accessory dwelling" to "*Accessory dwelling commercial caretaker*" under the category of "Residential Uses"

d. Section 7-10-1.(b) is amended as follows:

(b) Single-family dwellings. There shall be no more than one single-family dwelling on an individual lot in a single-family residential zoning district. This requirement does not affect the use of accessory dwelling units in conjunction with the standards set forth in subsection 7-14-1(b)(3) or the development of duplexes, triplexes, and quadraplexes in accordance with the standards set forth in subsection 7-16-2(c)(3)d.

e. Section 7-14-1(b) be amended by adding new sections (3) and (4) as follows:

(3) Accessory dwelling units. Accessory dwelling units are allowed as permitted in the Table of Permitted Uses located in this chapter. The purpose of the accessory dwelling unit provision is to allow the efficient use of existing housing stock, parcels of land and community infrastructure, and to increase the number and variety of residential units while respecting the scale and character of existing neighborhoods.

(a) *General provisions. The following standards apply to accessory dwelling units located in all residential districts except Urban Residential.*

1. An accessory dwelling unit shall be located only on a residential lot containing one single-family detached structure. The residential lot may contain other accessory structures as provided in this ordinance.

2. Only one accessory dwelling unit shall be permitted per single-family detached dwelling.

3. Accessory dwelling units shall not be considered as additional dwelling units for the purpose of determining minimum lot size or maximum density.

(b) *Standards. Accessory dwelling units may occupy conforming existing accessory structures or lawfully created non-conforming primary residential structures. The maximum size of the accessory dwelling unit shall be determined based on the following:*

1. A detached accessory dwelling unit:

Area- may not exceed the lesser of:

70% percent of the gross floor area of the primary dwelling unit, or

800 square feet.

Height- The height of a detached accessory dwelling unit may not exceed 25 feet.

2. An attached accessory dwelling unit (located within the same structure as the primary dwelling unit with shared foundation, exterior walls and roof):

Area- may not exceed the lesser of :

70% percent of the gross floor area of the primary dwelling unit, or

1,000 square feet.

Height- The height of an attached accessory dwelling unit will be governed by the height requirements for the residential structure.

(c) *Parking. Parking for the primary dwelling unit must be maintained or replaced on site. Parking for the accessory dwelling unit shall be provided at a rate of one parking space per accessory dwelling unit if off-street parking is required for the primary residential unit. This parking space(s)shall be located to the side or rear of the primary residential unit, outside of the front setback area.*

Sec. 7-14-1(b)

(4) Accessory structures.

(a) *General provisions. The following standards apply to accessory structures located in all residential districts including Urban Residential*

(b) The footprint of accessory structures located on a lot shall not exceed the following maximum footprint(s):

Lot Size	One Structure	All Structures
Less than 1 acre	800 square feet	1,000 square feet
1 to 3 acres	1,200 square feet	1,600 square feet
More than 3 acres	No limit	No Limit

The footprint of the portion of accessory structures used as accessory dwelling units shall not be included in this calculation of footprint for accessory structures.

The footprint of any accessory structures used for agricultural purposes shall not be included in this calculation of footprint for accessory structures. Such structures must meet the requirements established for agricultural uses established in section 7-16-1 of this chapter.

(c) Accessory structures shall not exceed 25 feet in height except that height may be increased one foot for every one foot of additional side and rear setback, up to a maximum of 40 feet.

(d) Accessory structures, except for detached garages shall be located only in side or rear yards for non-corner lots and not in front of the principal structure. On lots of more than three acres, accessory structures may be located in the front of the principal structure, but not in the required front yard. Accessory structures, including detached garages, located in side yards of corner lots whose rear or side yards are adjacent to a front yard of the adjacent lot shall maintain a setback equivalent to the front yard setback of the adjacent lot. Detached garages may be located in front of the principal structure if it is determined by the planning and development director that practical difficulties exist for garage location in side or rear yards due to topography, lot width or other physical factors. Upon this determination, detached garages may be located in front of the principal structure provided that: 1) the garage is not located in the front setback, and 2) the garage is located and/or designed so that it is clearly subordinate to the principal structure in terms of scale.

(e) Reserved.

(f.) Accessory structures providing common facilities for residential developments (clubhouse, pool house, etc.) shall not be subject to the gross floor area limits set forth in subsection 7-16-1(c)(2)(b) above, or the location requirements set forth in subsection 7-16-1(c)(2)(d) above.

(g) Accessory structures may be located or expanded on lawfully existing nonconforming lots or lots (conforming or nonconforming) containing nonconforming structures, provided that all other requirements of this chapter and other applicable local, state, and federal regulations are met.

f. Section 7-16-1(b) be amended by removing:

(1) Accessory apartments. All residential except Urban Residential.

(2) Accessory structures. All residential including Urban Residential.

g. Section 7-16-1(c) be amended by removing in their entirety:

(1) Accessory apartments.

(2) Accessory structures.

Section 2: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3: All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4: This ordinance will become effective upon adoption.

Read, approved, and adopted this 23rd day of June, 2015.

Magdalen Boulson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Boulson
City Clerk

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ORDINANCE NO. 4432

AN ORDINANCE ADOPTING THE ANNUAL BUDGET AND FIXING THE TAX RATE FOR THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 2015-16

WHEREAS, Article 3 of Chapter 159 of the N. C. General Statutes requires local governments in North Carolina to adopt ordinances establishing an annual budget, in accordance with procedures specified in said Article 3; and

WHEREAS, the Asheville City Council, following a public hearing as required by law has considered the proposed annual budget for the City of Asheville for the 2015-16 fiscal year;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The following anticipated revenues and authorized expenditures by fund, together with a financial plan for internal service funds, are hereby appropriated for operating City government for the fiscal year beginning July 1, 2015 and ending June 30, 2016.

GENERAL FUND

Revenues:		
Taxes-Ad Valorem	$54,833,390	
Other Taxes	20,129,180	
Intergov Revenue	12,098,379	
Licenses and Permits	4,550,994	
Sales and Services	9,985,234	
Investment Earnings	150,000	
Miscell Revenue	1,401,450	
Total Revenues		$103,148,627
Appropriations:		
Departmental Operations		$103,148,627

WATER RESOURCES FUND

Revenues:		
Sales and Services	$35,300,222	
Investment Earnings	125,000	
Miscell Revenue	110,000	
Oth Financing Source	1,890,983	
Total Revenues		$37,426,205
Appropriations:		
Water Resources Operations		$37,426,205

PARKING SERVICES FUND

Revenues:		
Sales and Services	$500	
Investment Earnings	2,544	
Miscell Revenue	4,322,100	
Oth Financing Source	300,000	
Total Revenues		$4,625,144
Appropriations:		
Parking Services Operations		$4,625,144

STORMWATER FUND

Revenues:		
Licenses and Permits	$187,000	
Sales and Services	4,921,491	
Investment Earnings	11,000	
Miscell Revenue	11,000	
Oth Financing Source	205,000	
Total Revenues		$5,335,491
Appropriations:		
Stormwater Operations		$5,335,491

TRANSIT SERVICES FUND

Revenues:		
Intergov Revenue	$3,063,000	
Licenses and Permits	360,000	
Sales and Services	810,000	
Oth Financing Source	2,406,992	
Total Revenues		$6,639,992
Appropriations:		
Transit Services Operations		$6,639,992

US CELLULAR CENTER FUND

Revenues:		
Sales and Services	$1,855,005	
Investment Earnings	2,000	
Miscell Revenue	113,500	
Oth Financing Source	1,049,711	
Total Revenues		$3,020,216
Appropriations:		
Civic Center Operations		$3,020,216

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STREET CUT UTILITY FUND

Revenues:		
Sales and Services	$1,625,076	
Oth Financing Source	240,000	
Total Revenues		$1,865,076
Appropriations:		
Street Cut Operations		$1,865,076

HOUSING PARTNERSHIP FUND (GENERAL FUND)

Revenues:		
Miscell Revenue	$150,000	
Oth Financing Source	500,000	
Total Revenues		$650,000
Appropriations:		
Housing Partnership Fund Ops.		$650,000

INTERNAL SERVICE FUNDS

Revenues:		
Sales and Services	$16,569,824	
Investment Earnings	10,000	
Miscell Revenue	437,207	
Total Revenues		$17,017,031
Appropriations:		
Health Insurance	$13,500,527	
Workers Compensation	1,445,000	
Property & Liability	2,071,504	
Total Expenditures		$17,017,031

CAPITAL RESERVE 2100 FUND (GENERAL FUND)

Revenues:		
Oth Financing Source	$8,687,021	
Total Revenues		$8,687,021
Appropriations:		
Capital Reserve Fund Ops.		$8,687,021

Section 2. All appropriations included in the following Capital Project and other multi-year project funds are approved for the financing life of each project, which may extend beyond one fiscal year.

GENERAL CAPITAL PROJECTS FUND

Revenues:		
Transfer from General Fund	$150,000	
Intergov Revenue	11,497,972	
Oth Financing Source	18,320,331	
Total Revenues		$29,968,303
Appropriations:		
General Capital Fund Expenditures		$29,968,303

WATER CAPITAL PROJECTS FUND

Revenues:	
Transfer from Water Resources Fund	$11,985,500
Appropriations:	
Water Capital Fund Expenditures	$11,985,500

PARKING CAPITAL PROJECTS FUND

Revenues:	
Transfer from Parking Operating Fund	$300,000
Appropriations:	
Parking Capital Fund Expenditures	$300,000

TRANSIT CAPITAL PROJECTS FUND

Revenues:		
Transfer from General Fund	$135,807	
Total Revenues		$135,807
Appropriations:		
Transit Capital Fund Expenditures		$135,807

US CELLULAR CENTER CAPITAL PROJECTS FUND

Revenues:		
Transfer from General Fund	$114,050	
Oth Financing Source	500,000	
Miscellaneous	150,000	
Total Revenues		$764,050
Appropriations:		
US Cellular Center Capital Fund Expenditures		$764,050

COMMUNITY DEVELOPMENT BLOCK GRANT FUND

Revenues:		
Federal Grant FY 2015-16	$956,356	
Program Income FY 2015-16	68,062	
Program Income FY 2014-15	59,203	
Total Revenues		$1,083,621
Appropriations:		
Fiscal 2015-16 CDBG Program	1,024,418	
Fiscal 2014-15 CDBG Program	59,203	
Total Appropriations		$1,083,621

HOME OWNERSHIP GRANT FUND

Revenues:		
Federal Grant FY 2015-16	$914,499	
Program Income FY 2015-16	19,526	
Program Income FY 2014-15	54,232	
Total Revenues		$988,257
Appropriations:		
Fiscal 2015-16 HOME Program	$934,025	
Fiscal 2014-15 HOME Program	54,232	
Total Appropriations		$988,257

SECTION 108 REHAB GRANT FUND

Revenues:		
Program Income		$67,230
Appropriations:		
Section 108 Expenditures		$67,230

SPECIAL REVENUE GRANT FUND

Revenues:			
Federal Grant	$104,000		
State Grant	194,492		
Total Revenues		$298,492	$988,257
Appropriations:			
Continuum of Care Grant (HMIS)	$104,000		
Emergency Solution Grant (ESG)	194,492		
Total Appropriations		$298,492	

Section 3. It is estimated that revenues in the amounts indicated in the foregoing schedule will be available to support the foregoing appropriations. The fees & charges, as readopted and changed on April 28th, 2015 in ordinance number 4405 and amended by City Council in this ordinance, shall be set forth in a Fees and Charges Manual to be kept on file in the Office of the City Clerk.

Section 4. There is hereby levied for the fiscal year ending June 30, 2016, the following tax on each $100 assessed valuation of taxable property as listed on January 1, 2015 for purposes of raising the revenues from current year's property tax as set forth in the foregoing estimates of revenues and in order to finance the foregoing appropriations:

Tax Rate per $100 Assessed Valuation $0.4750

Such rate of tax is based on an estimated total assessed value of property for the purposes of taxation of $10,917,111,961 assuming 99.00% collection of the levy. In addition, Ad Valorem Tax revenue from taxes levied on motor vehicles at the same tax rate is estimated at $2,795,671.

Section 5. The City Manager is authorized to amend the budget by transfer of appropriations within each fund. All amendments affecting revenues or total fund appropriations shall be approved by ordinance by the City Council, to be acted on at any regular or special meeting and approved by a simple majority of those present and voting, a quorum being present. Only one reading will be required and a public hearing or publication of notice is not necessary unless requested by Council.

Section 6. The City Manager is authorized to expend up to $20,000 in general contingency funds in the event of any need he deems an emergency. Said action shall be reported to the City Council at the next regularly scheduled Council meeting and the budget ordinance amended accordingly.

Section 7. The reserve for encumbrances at June 30, 2015 and carry-over appropriations, representing prior commitments as of that date shall be reappropriated pursuant to North Carolina General Statute 159-13, to the departments within various funds, under which expenditures may be made during fiscal year 2015-16 as the previous commitments are satisfied.

Section 8. Copies of this ordinance shall be furnished to the City Manager and Director of Finance, to be kept on file by them for their direction in the collection of revenues and expenditures of amounts appropriated.

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Section 9. The Pay & Classification Plan is amended to incorporate all personnel actions such as reclassifications and pay modifications recommended by the Human Resources department and approved by the City Manager. Funding for the Plan and compensation items is included in the various departments. The amended plan will become effective with the pay cycle that ends on July 3, 2015.

Section 10. Compensation for the Mayor, Vice-Mayor and Councilmembers will be $20,413.85 - $20,617.99, $16,941.77 - $17,111.19, and $14,997.84 - $15,147.82, respectively. Travel for official activities will be reimbursed under the same plan used for City employees.

Section 11. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

Section 12. That this ordinance shall be in full force and effect upon date of final passage.

Read, approved and adopted this 23th day of June, 2015.

Magdalen Bullerson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullerson
City Clerk

Attachment 2: Proposed FY 2015-16 Fee Changes

Item or Service	Current Fee	Proposed New Fee	Additional Revenue
General Fund			
Parks & Recreation			
Nature Center Admission Fees:			$184,153.00
City Resident – Adult	$6.00	$7.95	
City Resident -- Senior (age 67+)	$5.00	$6.95	
City Resident – Child ages 3-15	$4.00	$5.95	
Non-City Resident – Adult	$8.00	$10.95	
Non-City Resident -- Senior (age 67+)	$7.00	$9.95	
Non-City Resident – Child ages 3-15	$4.00	$6.95	
School group rate -- Asheville City Schools (per person rate)	$2.00	$3.95	
School group rate -- all other schools (per person rate)	$3.00	$4.95	
Public Works			
Solid Waste Fee	$7.00 per month	$10.50 per month	$1,100,000.00

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ORDINANCE NO. 4433

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 28th day of July, 2015.

Magdalen Bullerson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Acceptance of CWRAR Grant Funding from NCDENR to conduct a pilot project to expand recycling availability in public housing

Magdalen Bullerson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2015-16

3. Amendment to Operating ____ and/or Capital/Grant Project _x___ appropriation.

Sustainability	7/28/2015	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: to budget CWRAR grant

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Grant Fund				
Revenue:				
Transfer from General Fund				
22090016 498100 G1603	$0.00	$0.00	$4,325.00	$4,325.00
State Grant				
22000016 436000 G1603	$0.00	$0.00	$21,625.00	$21,625.00
Expenditures:				
Contracted Services				
22000016 521001 G1603	$0.00	$0.00	$20,200.00	$20,200.00
Services - Outside Printing				
22000016 521007 G1603	$0.00	$0.00	$3,000.00	$3,000.00
Supplies - Other				
22000016 524001 G1603	$0.00	$0.00	$2,750.00	$2,750.00
General Fund				
Sustainability Contingency				
11000016 528013	$255,172.00	$0.00	$250,847.00	($4,325.00)
Transfer to Grant Fund				
11000016 800220	$0.00	$0.00	$4,325.00	$4,325.00
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

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ORDINANCE NO. 4434

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 28th day of July, 2015.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Receive a federal pass though grant from the Historic Preservation Fund for the Rehabilitation of the Smith-McDowell House.

Magdalen Burleson
City Clerk

City of Asheville

Budget Amendment Details

1. Effective Date: 7/28/2015

2. Fiscal Year: 2015-16

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

Planning & Development — 4. Requesting Department

7/21/2015 — 5. Today's Date

6. Preparer's Name

7. Comments/Purpose: Budget Amendment for the Rehabilitation of the Smith-McDowell House

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Restricted Intergov Fed Grants			$0	
22000411:435000:D1612	$0	$0	$19,000	$19,000
Restrictd Intergv Otr Loc Part			$0	
22000411:437100:D1612	$0	$0	$9,200	$9,200
Expenditures:			$0	
Improvements			$0	
22000411:613101:D1612	$0	$0	$28,200	$28,200
			$0	
			$0	
			$0	
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			$0	
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			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

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ORDINANCE NO. 4435

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 28th day of July, 2015.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Amendment to appropriate budget in the Stormwater Fund to purchase equipment for a new crew.

Magdalen Burleson
City Clerk

City of Asheville

Budget Amendment Details

1. Effective Date: 7/28/2015

2. Fiscal Year: 2015-16

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

4. Requesting Department	5. Today's Date	6. Preparer's Name
Public Works- Stormwater		

7. Comments/Purpose: Stormwater Equipment Purchases

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
2016 Installment Loan Proceeds			$0	
62400320:493161	$205,000	$205,000	$619,000	$414,000
			$0	
Expenditures:			$0	
Mach & Equipment			$0	
62400320:614101	$205,000	$205,000	$619,000	$414,000
			$0	
			$0	
			$0	
Revenue:			$0	
			$0	
			$0	
			$0	
Expenditures:			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
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			$0	
			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

ORDINANCE NO. 4436

ORDINANCE AMENDING CHAPTER 3-ANIMALS-OF THE ASHEVILLE CITY CODE TO REMOVE CERTAIN EXEMPTIONS FOR CIRCUSES AND ANIMAL EXHIBITIONS AND OTHER CLARIFYING PROVISIONS.

WHEREAS, the City's Governance Committee, at its January 9, 2015 meeting, confirmed support for a change in the US Cellular booking policy to exclude events which include any performing wild or exotic animals; and

WHEREAS, the Chapter 3 of City Code as it relates to the keeping or performance of wild animals currently includes exemptions for circuses and animal exhibitions which are inconsistent with the revised US Cellular booking policy and which, if left unrevised, could have the affect of allowing circuses or other events involving the performance of wild or exotic animals in other locations within the City limits; and

WHEREAS, this matter was considered by the Public Safety Committee on May 25, 2015, which supported the proposed revisions and directed that they be sent to City Council for final action; and

WHEREAS, the City Council has determined that it is not in the best interests of the City to allow the keeping or performance of wild animals by circuses or general wild animal exhibitions and therefore, the City Code should be revised accordingly;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Article I of Chapter 3 of the Code of Ordinances regarding animals be amended to read as follows:

a) **Sec. 3-4. –Definitions.**

Amend: *Wild animal* means any animal which can normally be found in the wild state, particularly those feral, dangerous or non-domesticated animals which generally do not live in or about the habitation of humans, including, but not limited to: bears, non-human primates, all felines (other than the domestic house cat), deer, raccoons, skunks, squirrels, turkeys, venomous snakes, elephants, camels, coyotes, wolves, and any hybrid or crossbreed of such animals which have similar characteristics of the animals specified herein.

Add: *Wildlife Sanctuary* means a charitable organization that is exempt from taxation under section 501(C)(3), Internal Revenue Code of 1986, that: a) Operates a place or refuge where abused, neglected, unwanted, impounded, abandoned, orphaned, or displaced animals are provided care for the lifetime of the animal; b) Does not conduct any commercial activity with respect to wild animals, including but not limited to, (i) the sale, trade, auction, or lease of wild animals or their parts or (ii) the use of wild animals in any manner in a for-profit business or operation; c) Does

not use wild animals for entertainment purposes or in a traveling exhibit;
d) Does not breed any wild animals.

b) **Sec. 3-12. - Animal care.**

(h) It shall be unlawful for any person to sponsor, promote, exhibit or train a wild, exotic or domesticated animal to participate in any unnatural behavior in which the animal is wrestled, fought, made to perform, harassed or displayed in such a way that the animal is abused or harmed.

c) **Sec. 3-14. - Wild animals.**

No person or entity shall keep or exhibit, or permit to be kept or exhibited on his/her/its premises a wild animal within the City limits. This section shall not apply to:

a) An exhibition or educational outreach program by a zoo or aquarium accredited by the Association of Aquariums and Zoos ("AZA");
b) A wildlife sanctuary or wildlife rehabilitator properly licensed and permitted by the NC Wildlife Resources Commission; or
c) A university, college or laboratory, or other research facility registered under the Animal Welfare Act (7 U.S.C. sec. 2132(e)).

Section 2. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4. This ordinance shall be enforced as provided in City Code Sec. 1-5.

Section 5. This ordinance will become effective upon adoption.

Read, approved and adopted this 28th day of July 2015.

Magdalen Bouleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bouleson
City Clerk

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ORDINANCE NO. 4437

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this the 25th day of August, 2015.

Magdalen Bourneson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Amendment to appropriate budget in the Stormwater Fund associated with the Raftelis Foundation Elementary Scholarship.

Magdalen Bourneson
City Clerk

City of Asheville

Budget Amendment Details

1. Effective Date: 8/25/2015

2. Fiscal Year: 2015-16

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

4. Requesting Department	5. Today's Date	6. Preparer's Name
Public Works	8/13/2015	

7. Comments/Purpose: The Raftelis Foundation Elementary Education Scholarship Acceptance

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Other Miscellaneous Revenue			$0	
62400320:489000	$1,000	$1,031	$2,000	$1,000
			$0	
Expenditures:			$0	
Supplies - Books/Audio Visual			$0	
62400320:524004	$100	$0	$1,100	$1,000
			$0	
			$0	
			$0	
Revenue:			$0	
			$0	
			$0	
			$0	
Expenditures:			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
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			$0	
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			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

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ORDINANCE NO. 4438

ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO SPIRIT COMMUNICATIONS FOR INSTALLATION OF TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY OF THE CITY OF ASHEVILLE

WHEREAS, City Ordinance No. 3056 adopted on September 23, 2003, provided for the granting of franchises to install telecommunications facilities within its right-of-way; and

WHEREAS, the City has the authority pursuant to N.C.G.S. 160A-76 to grant franchises generally, and pursuant to N.C.G.S. 160A-319 has the authority to grant franchises specifically for the operations of telecommunications systems within the City; and

WHEREAS, the City has the authority pursuant to N.C.G.S. 160A-296 to exercise authority and control over the public streets in its jurisdiction, and pursuant to N.C.G.S. 160A-273, to grant easements in street rights-of-way; and

WHEREAS, the City Council finds that it is in the interest of the public health, safety and welfare to grant a franchise to Spirit Communications for the installation of telecommunications within the public right-of-way of the City of Asheville;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The "Right-of-Way Encroachment Agreement for Fiber Optic Cable and Franchise: attached hereto as Exhibit A, is hereby adopted, and the franchise issued as set forth therein.

Section 2. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of any remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. This ordinance shall become effective upon adoption.

Read, approved and adopted on first reading on the 25th day of August, 2015, and final adoption on the 8th day of September 2015.

Magdalen Bellamy
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bellamy
City Clerk

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

RIGHT-OF-WAY ENCROACHMENT AGREEMENT FOR FIBER OPTIC CABLE AND FRANCHISE

THIS Fiber Optic and Facilities Installation Agreement and Telecommunications Franchise ("Agreement"), made and entered into this ____ day of _____, 2015, by and between the **City of Asheville**, a North Carolina municipal corporation (hereinafter known as the "City"), and **South Carolina Telecommunications Group Holdings LLC, d/b/a Spirit Communications,** a South Carolina limited liability company (hereinafter known as the "Grantee"), authorized to do business in North Carolina, and having its principal office at 1500 Hampton St., Columbia, SC 29201.

W I T N E S S E T H :

WHEREAS, the City has the authority pursuant to N.C.G.S. § 160A-296 to exercise authority and control over the public streets in its jurisdiction, and pursuant to N.C.G.S. § 160A-273, to grant easements in street rights-of-way; and

WHEREAS, pursuant to N.C.G.S. §160A-319, the City has the authority to grant franchises for the operation of telecommunications systems within the City, and on September 23, 2003, adopted Ordinance No. 3056 codified as Chapter 4.5 of the Asheville City Code, to provide for the granting of a non-exclusive franchise for telecommunications services in the City of Asheville; and

WHEREAS, Grantee proposes to encroach on the public rights-of-way located within the City of Asheville corporation limits with the construction and/or erection of the following: 1) aerial or underground fiber optic cable; 2) the placement of equipment cabinet(s) and related equipment within the right of way; or 3) the placement of a new wood or steel pole having sufficient capacity to accommodate a Grantee Facility, including, but not limited to: antennae, an equipment cabinet and related equipment attached entirely to the pole; or 4) the placement of new conduit, which shall be owned and operated by Grantee, necessary for the construction, maintenance and operation of Grantee's telecommunications system and necessary markers and appurtenances (the "Grantee's Facility or Facilities"), provided that Grantee complies with applicable rules, laws, ordinances required by the local governing jurisdiction;

NOW, THEREFORE, in consideration of the sum of $10.00 in hand received, and for other good and valuable considerations herein recited, the City hereby permits Grantee to encroach upon certain public streets and right of way in the City of Asheville for the purpose of installing Grantee's Facilities, subject to the following terms and conditions, and Grantee hereby agrees to said terms and conditions:

1. Authorization. This Agreement is and constitutes only a general authorization to encroach upon the public rights-of-way within the corporate limits of the City of Asheville; that each specific project, including the initial installation and any upgrades, improvements or extensions thereof (the "Project") and its location

proposed by the Grantee pursuant to this Agreement must first be approved by the City Public Works Director. Such approval shall not be unreasonably withheld, conditioned, or delayed; however, in the event the City Public Works Director disapproves the Project location, the City shall provide a written explanation, which includes an alternate location for said Project, such alternate location meeting the same service criteria as the original location proposed by Grantee. Pursuant to this Agreement, an "as built" drawing of each approved installation Project shall be incorporated into **Exhibit A** attached hereto. Upon approval by the City Public Works Director, a written permit (the "Permit") for a project must be issued, and applicable fees paid, if any, prior to the beginning of construction thereof, and that each specific Project shall be subject to the terms, conditions, and restrictions of this Agreement;

2. Manner of Installation. The manner of installation, operation, and maintenance of the Grantee's facilities within any such encroachments will be accomplished in accordance with the City's policies and procedures for accommodating utilities within public rights-of-way as provided in the Telecommunications Ordinance (Asheville Ord. No. 3056), and any subsequent revisions and amendments thereto. Information as to these policies and procedures may be obtained from the City Public Works Director. Grantee shall be responsible for all issues of traffic control in connection with its installation work, and shall submit a traffic control plan to the City Public Works Director, with approval by the City Public Works Director required prior to commencement of work on any segment of the installation.

   (a) Grantee agrees to restore all areas disturbed during installation and maintenance to their condition immediately preceding construction at Grantee's expense. As used herein, "condition preceding construction" means restoration or replacement of any soil, fixtures, shrubs, trees, paving, curb and other features that existed in the right of way immediately prior to construction, unless otherwise directed or agreed to by the City. Any betterments installed or made at the City's request shall be paid for by the City, Grantee agrees to exercise every reasonable precaution during construction and maintenance to prevent eroding of soil, silting or pollution of rivers, streams, lakes, reservoirs, other water impoundments, ground surfaces or other property; or pollution of the air. There shall be compliance with applicable rules and regulations of the North Carolina Division of Environmental Management, North Carolina Sedimentation Control Commission, and with ordinances and regulations of the City relating to pollution prevention and control. When any installation or maintenance operation disturbs the ground surface and the existing ground cover, the Grantee agrees to remove and replace the sod or otherwise reestablish the grass cover to its condition preceding construction at Grantee's expense.

(b) Grantee agrees to pay the actual cost of any inspection of the work considered to be reasonably necessary by the City Public Works Director, such costs to be billed by the City at its customary rates and shall be paid within thirty (30) days of the date of the invoice.

(c) Grantee agrees to provide during construction and any subsequent maintenance proper signs, signal lights, flagmen and other warning devices for the protection of traffic in conformance with the latest Manual on Uniform Traffic Control Devices for Streets and Highways and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the City Public Works Director.

(d) Grantee agrees to give written notice of completion to the City Public Works Director upon completion of each Project.

(e) The City will cause a Permit to be issued for each Project it approves. Grantee shall cause a copy of said Permit, together with the technical standards and specifications applicable to the specific project, if any, to be available at each work site during any construction or installation authorized pursuant to this Agreement.

3. Installation on Other Property. Where Grantee Facility installation is to be in or upon any real property, pole, conduit, or other facility belonging to any person or entity other than the City, Grantee shall obtain appropriate permits and approvals from said person or entity. Nothing herein shall be construed as approving or permitting Grantee to make its installation on private property or on property belonging to or under the control of any public utility. If approval of the North Carolina Department of Transportation is required for installation within the right-of-way of any State-controlled road, Grantee shall obtain that approval. Upon request by the City, Grantee shall furnish satisfactory proof of permission or approval to install its cable on other than City-controlled public property.

4. Installation and Usage Fees. Grantee plans to install approximately three (3) miles of fiber optic cable and associated cell sites as shown on **Exhibit A**. Grantee shall be allowed to install its Telecommunications Facilities at additional locations under this Agreement upon approval of the Public Works Director, such approval not to be unreasonably withheld.

In lieu of fees, Grantee agrees to provide City with access to ~~no greater than~~ 8 strands of fiber in every build installed by Grantee within the City limits. The approximate value of this in kind service to the City is approximately $30,000 per mile. While title to the fiber assets remains with Grantee, the City agrees that the fiber will be used solely for the City's internal communications needs only; the City expressly agrees to prohibit the fiber from being used to transit any other entity's telecommunications signals; and the City further agrees that it will not lease, resell, provide access to, or provide the fiber to any other private telecommunications service competitor or non-government, competitive telecommunications or cable service provider.

5. Duration, Forfeiture.

(a) The term of the Agreement shall be for ten (10) years commencing on the date of execution of this Agreement (the "Initial Term"). The parties agree that the Agreement shall automatically renew for two (2) additional ten (10) year terms ("Renewal Term"), unless either party gives sixty (60) days notice of its intent to terminate prior to the expiration of the then current Initial Term or Renewal Term, as the case may be. After the fifth year of the Initial Term, and for any year of any renewal term, the Installation and Usage Fees set forth in Paragraph 4, may be reviewed to determine if a fee for additional new installation, rather than the agreed upon fee in lieu, is warranted.

(b) Unless extended in the manner provided herein, Grantee shall upon expiration of this Agreement (unless the parties have commenced good faith negotiations to extend the terms of this Agreement) immediately cease the use of Grantee's Facilities, and/or shall remove or disable such Facilities at its own expense, with the exception of the fiber installed for the City as fee in lieu. However, all limitations on the City's use of the fiber as described in the second paragraph of Section 4 above shall survive termination of this Agreement and shall remain in effect for as long as the City continues to use the fiber.

(c) Any permit issued hereunder shall become void if actual construction for that Project contemplated herein has not begun within one hundred eighty (180) days from the date of the issuance of any permit for said Project, unless written waiver is secured by Grantee from the City.

(d) The parties agree to execute any other documents necessary to effectuate this Agreement, such as applications to the N.C. Department of Transportation, or to public utilities. Additionally, Grantee may prepare and cause to be recorded such easements, encroachment agreements or other documents or memoranda necessary to perfect its legal rights under this Agreement, and the City shall cooperate as necessary with respect to execution of said documents.

6. Protection of Public Health and Safety.

(a) Grantee binds and obligates itself to install and maintain the encroaching

Grantee Facility in such safe and proper condition that it will not interfere with or endanger travel upon said public rights-of-way, nor obstruct nor interfere with the proper maintenance thereof, to reimburse the City for the cost incurred for any repairs or maintenance to its roadways and structures necessary due to the installation and existence of the Facilities of Grantee, and if at any time the City shall require the removal of, or changes in the location of, the said Facilities, that the said Grantee binds itself, its successors and assigns, to promptly remove or alter the said Facilities in order to conform to this requirement, without any cost to the City. The City Public Works Director may direct that any work in progress immediately stop should Grantee fail to comply with any terms of this Agreement or any Permit issued hereunder.

(b) Notwithstanding any provision to the contrary herein, the City, in its sole and absolute discretion, reserves the right to require Grantee to relocate its Facilities at Grantee's sole cost and expense if the right-of-way within which such Facilities are installed is abandoned or closed by the City, or if the Facilities of Grantee interfere with the installation, construction, maintenance, repair, or upgrade of the City's roadway, or City-owned utilities within the public right-of-way.

(c) If the public health or safety is threatened or impaired by Grantee as a consequence of this Agreement, as determined by the City in its sole and absolute discretion, then Grantee shall remedy or abate such threat or impairment as soon as practicable. That the City has the right to determine whether the public health is threatened or impaired shall not relieve Grantee from taking action as required when it would be reasonable to do so. Notwithstanding the foregoing, the City may, in its sole and absolute discretion, remedy or abate such threat or impairment to the public health or safety, and Grantee shall reimburse the City for the cost of labor and materials at its customary rates within thirty (30) days of its invoice therefore.

7. Termination.

(a) The City may terminate this Agreement for any material breach thereof by Grantee, following thirty (30) days written notice of any default on the part of Grantee, and a reasonable opportunity to cure said default. This for-cause termination shall not abrogate or modify any other term of this Agreement as to its duration or expiration.

(b) Grantee may terminate this Agreement for any material breach thereof by the City, following thirty (30) days written notice of any default on the part of the City, and a reasonable opportunity to cure said default. Grantee may terminate this Agreement without cause upon thirty (30) days notice and payment of all outstanding fees, and compliance with Paragraph 4.

(c) All limitations on the City's use of the fiber as described in the second paragraph of Section 4 above shall survive termination of this Agreement and shall remain in effect for as long as the City continues to use the fiber.

8. Hold Harmless, Indemnity. Grantee shall indemnify and hold harmless the City, its officers, agents, employees, and independent contractors from any losses, costs, expenses, claims, judgments, suits or demands resulting or in a manner arising from the action or inaction of Grantee in construction, operation or maintaining its Facilities in connection with each Project or in exercising or failure to exercise any right or privilege granted by this Agreement, save and except, for any such losses, costs, expenses, claims, judgments, suits or demands resulting or in any manner arising from, or contributed to, by the negligent or willful action or inaction of the City or any of its officers, agents, employees, and independent contractors. Provided, however, Grantee's indemnification at any time is conditioned on the City having notified Grantee in writing of any such claim,

demand or suit within such time as to give Grantee reasonable opportunity to resolve or defend the same on behalf of the City. In the event of such notification, Grantee shall have the sole and full responsibility for the resolution and defense of any such claim, demand or suit on behalf of the City, and the City shall cooperate fully with Grantee in such undertaking. City shall indemnify and hold harmless Grantee, its officers, agents, employees, and independent contractors from any losses, costs, expenses, claims, judgments, suits or demands arising directly out of the actions or failure to act of City or its officers, agents, employees, and independent contractors, or the breach of any provision of this Agreement, except to the extent attributable to the negligent or willful action or inaction of Grantee, its officers, agents, employees, and independent contractors. Notwithstanding anything to the contrary, Grantee shall obtain and maintain insurance in a form and amount as provided in the Telecommunications Ordinance (Asheville Ord. No. 3056) and the City shall be named as an additional insured on said policies, where appropriate. Certificates to this effect shall be provided to the City's Risk Manager. All insurance arrangements shall be subject to approval of the City's Risk Manager. Nothing herein shall be deemed to prevent the City from cooperating with the Grantee and participating in the defense of any litigation by its own counsel at its own cost and expense.

9. Notices. All notices, approvals, consents, requests, or demands or other communications and deliveries required or permitted to be given under this Agreement (i) shall be made in writing, signed by the party making the same and addressed to the address and with the copies as specified below; (ii) shall specify the section of this Agreement pursuant to which it is given; (iii) shall be deemed given if delivered in person, on the date delivered; if sent by telecopier or e-mail, on the date of telephonic or electronic confirmation of receipt; or if mailed first class mail or if mailed as Certified Mail (in each, with postage prepaid), on the date mailed; and (iv) shall be deemed received if delivered in person, on the date of personal delivery; if telecopied, on the date of telephonic confirmation of receipt; or if so mailed, on the third (3rd) business day after being so mailed. Such notice shall not be effective unless copies are provided as specified below, but neither the manner nor the time of giving notice to those to whom copies are to be given need be the same as the addressee and such copies shall not control the date notice is deemed given or received. The addresses and requirements for copies are as follows:

If to the City:

City Manager
City of Asheville
P.O. Box 7148
Asheville, NC 28802
Phone: (828) 259-5604
Fax: (828) 259-5499

If to Spirit Communications:

Spirit Communications
Attn: General Counsel
1500 Hampton Street
Columbia, SC 29201
Phone: (803) 726-4053
Fax: (803) 726-0726
E-mail: mike.baldwin@spiritcom.com

With copies to:

City Public Works Director
Attn: Greg Shuler
City of Asheville
P.O. Box 7148
Asheville, NC 28802
Phone: (828) 259-5617
Fax: (828) 232-4517
E-mail:

AND

City IT Department
Attn: Kevin Hymel, Technical Services Manager
Phone: (828) 259-5517
Mobile: (828) 552-9268
Email: khymel@ashevillenc.gov

With copies to:

Spirit Communications
Attn: Director of Engineering
1500 Hampton Street
Columbia, SC 29201
Phone: (803) 726-8317
E-mail: john.flake@spiritcom.com

Or to such other address as any party subsequently shall have designated at any time, or from time to time, by notice given in accordance with this Paragraph 9.

10. No Partnership, Joint Venture or Agency. It is represented, accepted and agreed by the parties, severally, that each is an independent contracting party, is not and shall not become an agent of any other party to this Agreement. Under no circumstances shall the agreement be construed as an instrument of partnership, joint venture, or employment, between, among, or by, any of the parties.

11. Assignment of Agreement. It is mutually agreed by the parties hereto that this Agreement is not transferable by any party without the written consent of the other parties to this agreement, which consents shall not be unreasonably withheld, conditioned, or delayed. The above notwithstanding, Grantee shall have the right to assign or transfer this Agreement to an affiliated company or entity without the approval of the City.

12. Entire Agreement. This Agreement constitutes the entire understanding of the parties with regard to the subject matter hereof. In the event of a conflict between the terms of this Agreement and the Telecommunications Ordinance (Asheville Ord. No. 3056), the Telecommunications Ordinance shall control.

13. Binding Effects. This Agreement shall be binding upon the heirs, successors, assigns, agents, officials, and employees of the parties.

14. Reference. Use of the masculine includes feminine and neuter, singular includes plural; and captions and headings are inserted for convenience of reference and do not define, describe, extend or limit the scope or intent of this Agreement.

15. Interpretation. All of the terms and conditions contained herein shall be interpreted in accordance with the laws of the State of North Carolina.

16. Other Laws and Regulations.

(a) Grantee will comply with any and all applicable federal, state and local standards, regulations, laws, statutes and ordinances specifically including but not being limited to those regarding toxic, hazardous and solid wastes and any other pollutants; public and private nuisances; health or safety; and zoning, subdivision or other land use controls. Grantee will take all reasonably necessary, proper or required safety, preventative and remedial measures in accordance with any and all regulations and directives from the North Carolina Department of Environment, Health and Natural Resources, the United States Environmental Protection Agency, Health Departments, and any other federal state or local agency having jurisdiction, to ensure the prompt prevention or cessation (now or in the future) of violations of either the applicable provisions of such standards, regulations, laws, statutes, and ordinances or any permits or conditions issued thereunder.

(b) The parties hereto acknowledge that any and all documents related to this transaction are or may be public records pursuant to N.C.G.S. Chapter 132. With respect to Grantee's confidential or proprietary information, Grantee shall take appropriate steps pursuant to Chapter 132 or other applicable sections of the North Carolina General Statute to designate such information confidential. The City may not be liable to Grantee for any release of information relating to this project that is in the City's possession unless such information has been so designated.

17. Amendments. This Agreement shall not be modified or otherwise amended except in writing signed by all of the parties.

18. Non-Discrimination. Grantee will take affirmative action not to discriminate against any employee or applicant for employment or otherwise illegally deny any person participation in or the benefits of the program which is the subject of this Agreement because of race, creed, color, sex, age, disability or national origin.

19. Survival. All representations, warranties and obligations of the City and Grantee herein shall survive the consummation or performance of the various transactions contemplated herein.

20. Execution in Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original.

21. Compliance Documentation. The City may inspect, or require Grantee to produce, such documents as may be necessary in the City's judgment to ensure compliance with the use limitations, installation, and any usage fee or payment provisions of this Agreement.

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IN TESTIMONY WHEREOF, the City has caused this instrument to be executed in its legal name by its duly authorized representatives, and Grantee has caused this instrument to be executed in its respective corporate name, by its President.

Attest:

CITY OF ASHEVILLE

_____
Magdalen Burleson, City Clerk
(official seal)

By: _____
Gary W. Jackson, City Manager

Approved as to form:

_____
Robin T. Currin, City Attorney

SOUTH CAROLINA TELECOMMUNICATIONS GROUP HOLDINGS LLC, DBA SPIRIT COMMUNICATIONS

By: _____
Michael D. Baldwin
Vice-President Business & Legal Affairs

****

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, _____, a Notary Public of the County and State aforesaid, certify that Magdalen Burleson personally came before me this day and acknowledged that she is the City Clerk of the CITY OF ASHEVILLE, a North Carolina municipal corporation, and that by authority given and as the act of the corporation, that foregoing instrument was signed in its name by its City Manager and attested by herself as its City Clerk.

WITNESS my hand and notarial seal this ___ day of _____, 2015.

_____
Notary Public
My Commission Expires: _____

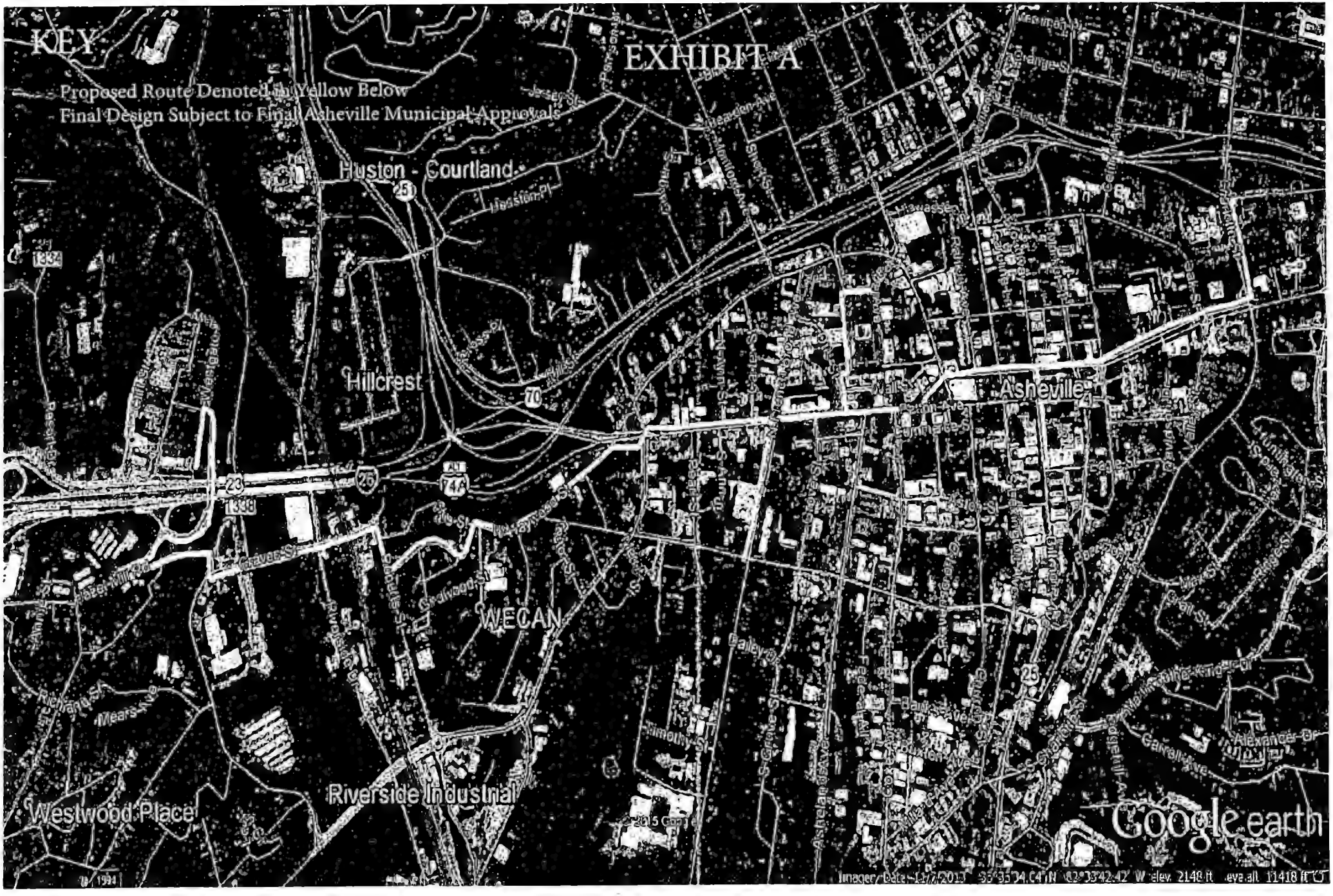
****

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

I, _____, a Notary Public of the county and state aforesaid, certify that Michael D. Baldwin, personally came before me this day and acknowledged that he is Vice-President, Business & Legal Affairs of Spirit Communications, a South Carolina limited liability company, and that by authority duly given and as the act of the company, the foregoing instrument was signed in its name by its Vice-President, Business & Legal Affairs.

WITNESS my hand and notarial seal this ___ day of _____, 2015.

_____
Notary Public
My Commission Expires: _____


KEY
- Proposed Route Denoted in Yellow Below
- Final Design Subject to Final Asheville Municipal Approvals
EXHIBIT A
Huston - Courtland
Hillcrest
Asheville
WECAN
Riverside Industrial
Westwood Place
Google earth

ORDINANCE NO. 4439

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 25th day of August, 2015.

Magdalen Bowlesson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Haywood Road Multimodal Impvts

Magdalen Bowlesson
City Clerk

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City of Asheville

Budget Amendment Details

1. Effective Date: 8/25/2015

2. Fiscal Year: 2015-16

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

Multimodal Transportation & Capital Projects | 8/10/2015 | 6. Preparer's Name

4. Requesting Department | 5. Today's Date

7. Comments/Purpose: Low bid contract for Haywood Road Multimodal Improvements

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
2016 Installment Loan Proceeds			$0	
41000231:493161:K1301	$0	$0	$82,128	$82,128
			$0	
Expenditures:			$0	
Contracted Services			$0	
41000231:521001:K1301	$213,019	$0	$295,147	$82,128
			$0	
			$0	
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			$0	
			$0	
			$0	
			$0	
			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

ORDINANCE NO. 4440

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 25th day of August, 2015.

Magdalen Bowleson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Craven Street Impvt Proj

Magdalen Bowleson
City Clerk

106

City of Asheville

Budget Amendment Details

1. Effective Date: 8/25/2015

2. Fiscal Year: 2015-16

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

Economic Development — 4. Requesting Department

8/18/2015 — 5. Today's Date

6. Preparer's Name

7. Comments/Purpose: Additional amount for the Cole Jeston engineering contract

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
2016 Facility Loan				
62500320-494161 E1202	$112,834		$178,226	$65,392
2016 Facility Loan				
41000231-494161 E1202	$3,744,688		$3,754,988	$10,300
2016 Facility Loan				
41000803-494161 E1202	$0		$119,361	$119,361
Expenditures:				
Professional Services				
62500320-521002 E1202	$138,569		$203,961	$65,392
Professional Services				
41000231-521002 E1202	$418,862		$429,162	$10,300
Professional Services				
41000803-521002 E1202	$228,346		$347,707	$119,361

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

ORDINANCE NO. 4441

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 25th day of August, 2015.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Storm Drain Emergency Repair

Magdalen Bowlson
City Clerk

-108

City of Asheville

Budget Amendment Details

1. Effective Date: 8/25/2015

2. Fiscal Year: 2015-16

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

4. Requesting Department	5. Today's Date	6. Preparer's Name
Stormwater/Water	8/18/2015	

7. Comments/Purpose: White Labs/Water Facility Storm Drain Sinkhole Emergency Repair

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Oper Transfer Wtr Dept Transfer				
61190911-498601 S1601	$0	$0	$47,558	$47,558
Oper Transfer from Strm Wtr				
62590320-498639 S1601	$0	$0	$47,558	$47,558
Private Donations				
62500320-483300 S1601	$0	$0	$95,117	$95,117
Expenditures:				
Maintenance and Repairs				
61100911-522001 S1601	$0	$0	$47,558	$47,558
Maintenance and Repairs				
62503200-522001 S1601	$0	$0	$142,675	$142,675
Water Fund:				
Appropriated Fund Balance				
61000911:499100	$1,890,983	$0	$1,938,541	$47,558
Transfer to Water Cap Prj Fund				
61090911:800611	11,985,500.00	$0	$12,033,058	$47,558
Stormwater Fund:				
Appropriated Fund Balance				
62400320:499100	$0	$0	$47,558	$47,558
Transfer to Stormwater Cap Fnd				
62490320:800625	0.00	$0	$47,558	$47,558

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

BUDREVIS.XLS

ORDINANCE NO. 4442

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 25th day of August, 2015.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Additional Emergency Solutions Grant Funds

Magdalen Burleson
City Clerk

110

City of Asheville

Budget Amendment Details

1. Effective Date: 8/15/2015

2. Fiscal Year: 2015-16

3. Amendment to Operating __X__ and/or Capital Project ___ appropriation.

4. Requesting Department	5. Today's Date	6. Preparer's Name
Community Development	8/13/2015	M.Feinblatt

7. Comments/Purpose:State Appropriated Addional Emergency Solutions Grant Funds

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
22004207:435000:D1502	$77,500		$82,048	$4,548
			$0	
Expenditures:			$0	
22004207:528013:D1502	$0		$4,548	$4,548
	$0	$0	$0	
			$0	
			$0	
			$0	
Revenue:			$0	
22004207:435000:D1503	$116,992	$0	$152,640	$35,648
			$0	
			$0	
Expenditures:			$0	
22004213:527101:D1503	$116,992		$152,640	$35,648
			$0	
			$0	
			$0	
			$0	
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			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

ORDINANCE NO. 4443

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance;

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 25th day of August, 2015.

Magdalen Bolleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Approve funds be appropriated in the Transit Capital Fund for the Transportation Department to apply towards bus shelter repair located at Merrimon Avenue and Larchmont Road.

Magdalen Bolleson
City Clerk

112

City of Asheville

Budget Amendment Details

1. Effective Date: 8/25/2015

2. Fiscal Year: 2015-16

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

Risk Manager — 4. Requesting Department

8/10/2015 — 5. Today's Date

6. Preparer's Name

7. Comments/Purpose: Budget Amendment to appropriate insurance recovery funds to Transportation Department for Larchmont Bus Stop Replacement

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Insurance Recovery			$0	
81300038:485000	$67,207.00	$0.00	$76,628.10	$9,421.10
			$0.00	
Expenditures:			$0.00	
Transfer to Transit Capital Fu			$0.00	
81390038:800651	$0.00	$0.00	$9,421.10	$9,421.10
			$0.00	
			$0.00	
			$0.00	
Revenue:			$0.00	
Transfer from Prop & Liab Fund			$0.00	
65190950:498813:T1501	$0.00	$0.00	$9,421.10	$9,421.10
			$0.00	
Expenditures:			$0.00	
Maintenance and Repairs			$0.00	
65100950:522001:T1501	$0.00	$0.00	$9,421.10	$9,421.10
			$0.00	
			$0.00	
			$0.00	
			$0.00	
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			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

ORDINANCE NO. 4444

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 960 AND 966 TUNNEL ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City and is determined to be reasonable and in the public interest for the following reasons:

a) The proposed uses on the properties are limited in scope and additional parking, although not required, is provided for so as not to impact the surrounding residential areas.
b) The proposal supports the goal found in the City's comprehensive plan of pursuing compatible adaptive reuse of properties.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

> The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PINs 9658.97-8942 and 9658.98-9020 from RM-6 (Residential Multi-Family Low Density District) and OCZ (Office Conditional Zoning) to Community Business I Conditional Zoning District (CBICZ). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1" and substantially complies with the site plans shown in Exhibit "C", both attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 25th day of August, 2015.

Magdalen Bowerson
City Clerk

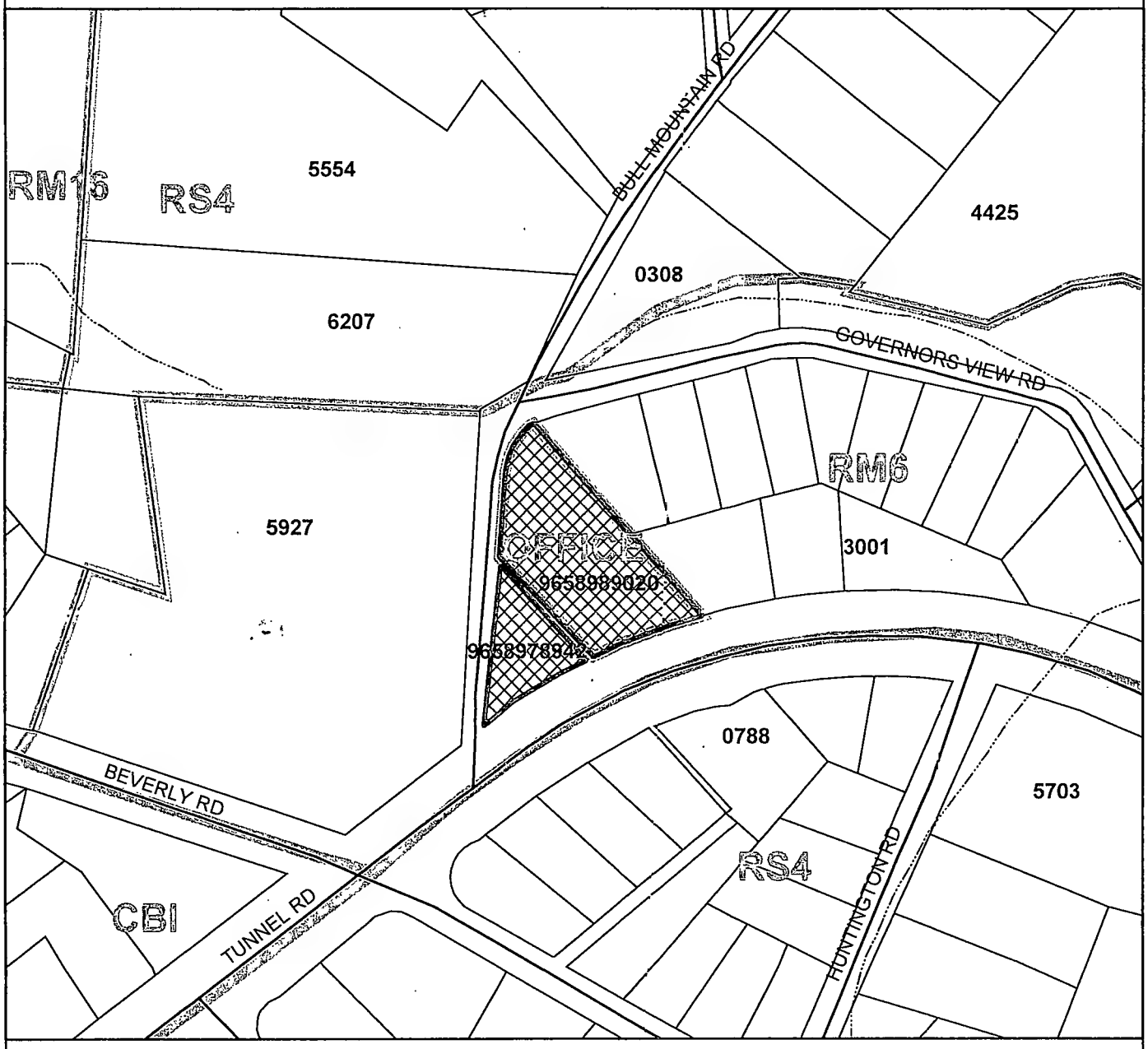
Esther Manheimer
Mayor

Approved as to form:

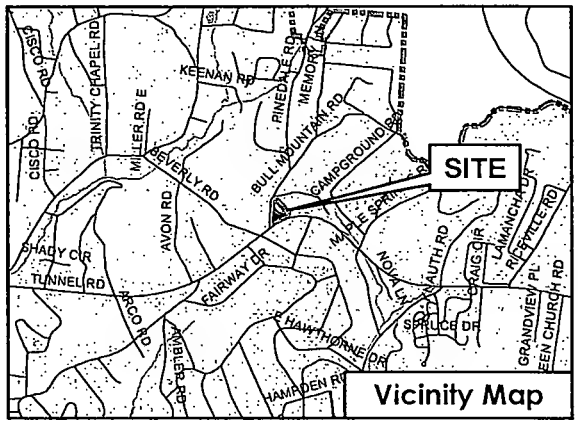
City Attorney

Magdalen Bowerson
City Clerk

City of Asheville - Exhibit A Map
Conditional Zoning - Wellspring



Project Name:	Wellspring CZ
Project Number:	CZ 15-06944PZ
Project Description:	Office/Fitness/Other Uses
Petitioner(s):	Monmovin, LLC
Parcel ID Number(s):	9658.97-8942; 9658.98-9020
Location/Address:	960 & 966 Tunnel Road



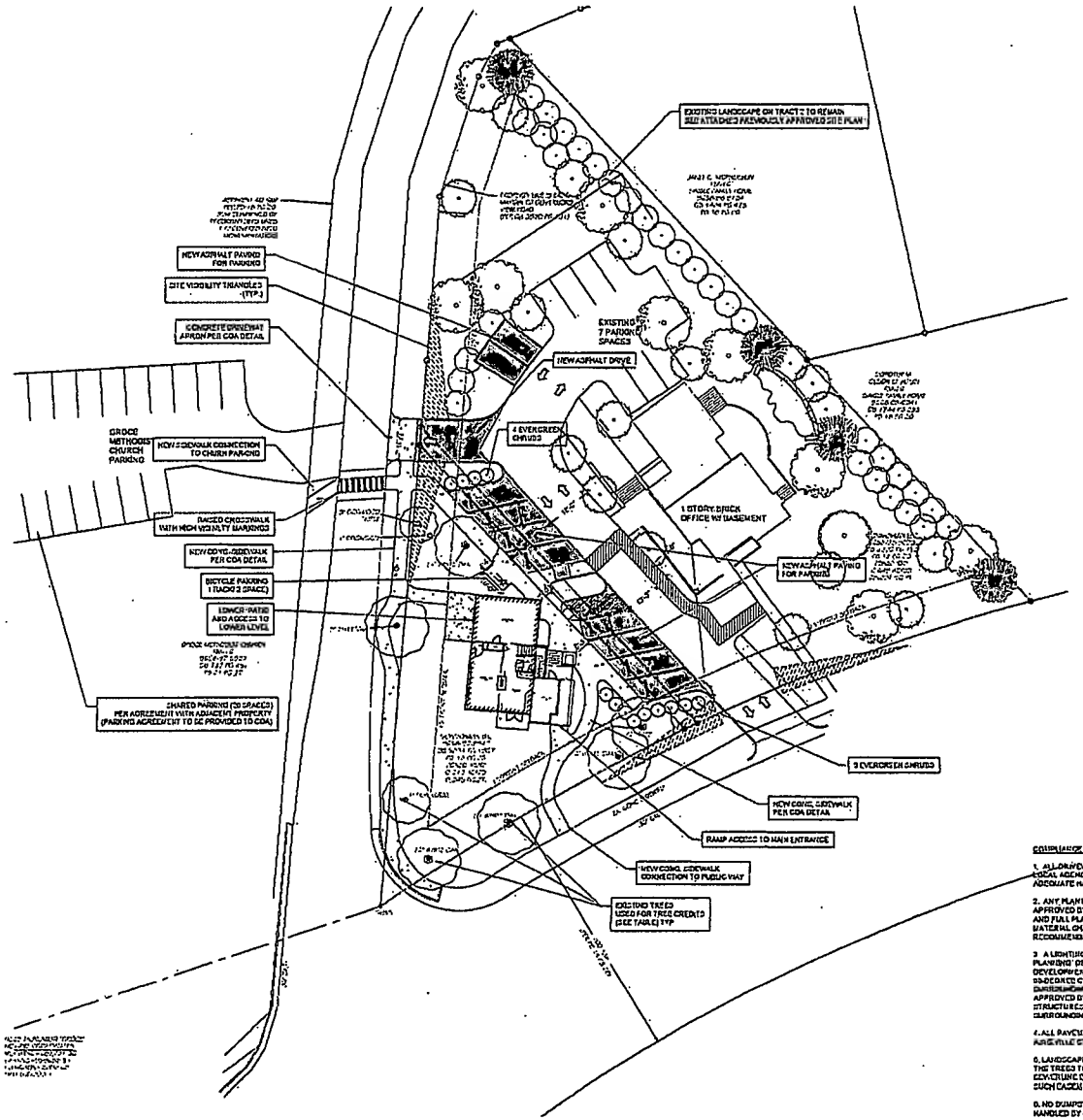
Project Site | Parcels | Zoning Districts | Asheville City Limits | Streets | Streams

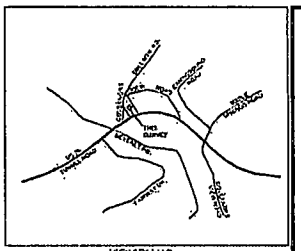
City of Asheville Planning and Development Department - 6/8/15

EXHIBIT B.1
CONDITIONS

1. Approval is for the renovation and use of two properties located at 960 and 966 Tunnel Road. Uses shall be limited to the following at 966 Tunnel Road: offices; instructional services; single-family or duplex residences.
   Uses shall be limited to the following at 960 Tunnel Road: offices; instructional services; health and fitness facilities; single-family or duplex residences; low impact studios for artists, artisans and craftsmen.
2. Signage shall be limited to the following:
   - One free standing sign per parcel - non-internally illuminated, maximum 24 square feet in size (per face), 6 feet in height.
   - One attached sign per building – non-internally illuminated, maximum 10 square feet in size.
3. Cross-parking and cross-access easements shall be submitted allowing use of parking and access for both properties.
4. Hours of operation for businesses at 960 Tunnel Road shall be limited to Monday through Saturday, 6:00 AM to 9:00 PM. Hours of operation for businesses at 966 Tunnel Road shall be limited to Monday through Sunday 6:00 AM to 9:00 PM.
5. A parking agreement allowing for the use of spaces at the Groce United Methodist Church for overflow parking must be submitted to the City of Asheville prior to zoning permit issuance. This agreement must remain in place or other overflow parking provided (20 spaces) so long as 960 Tunnel Road is used for health and fitness facilities. A high visibility, raised crosswalk must be provided connecting the subject properties with the parking at the church.
6. Approval includes the maintenance of landscaping previously installed at 966 Tunnel Road and depicted on Sheet L-1 with the exception of the existing buffer between the two properties and any landscaping conflicting with the proposed egress onto Governor's View Road or the proposed sidewalk construction.
7. Fee in lieu of the provision of 160 linear feet of sidewalk along Governor's View Road will be provided to the City prior to the issuance of the zoning permit or the sidewalk provided for the full extent of the property. A 10 foot easement shall be provided to the City along this portion of the road for future sidewalk or pedestrian facilities if the sidewalk is not constructed.
8. Parking to be provided as shown on the site plan and allowed to be closer to the street than the existing structures.
9. The developer is responsible for ensuring that all facilities in the public right-of-way comply with the current draft Guidelines for Pedestrian Facilities in the Public Right-of-way (PROWAG), available on the US Access Board website.
10. All site lighting must comply with the City's Lighting Standards (Section 7-11-10 of the Code of Ordinances). Proposed lighting plans must be submitted at Final TRC.
11. All new landscaping must meet the minimum size requirements set forth in Section 7-11-3(f)(3) of the UDO. All existing vegetation that is to be preserved must be indicated on the site, landscape and grading plans.
12. The project shall comply with all conditions outlined in the TRC staff report.
13. The building design, construction materials, and orientation on site must substantially comply with the site plan (attached hereto as Exhibit C) and incorporated by reference. Any major deviations from these plans may result in reconsideration of the project by the reviewing boards.

14. A planning inspection is required prior to obtaining a certificate of occupancy. This inspection should be scheduled through the Development Services inspection line.


EXISTING LANDSCAPE ON TRACT 2 TO REMAIN SEE ATTACHED PREVIOUSLY APPROVED SITE PLAN
NEW ASPHALT PAVED FOR PARKING
SITE VISIBILITY TRIANGLES (TYP.)
CONCRETE DRIVEWAY APRON PER COA DETAIL
NEW ASPHALT DRIVE
EXISTING 7 PARKING SPACES
4 EVERGREEN SHRUBS
GROCE METHODIST CHURCH PARKING
NEW SIDEWALK CONNECTION TO CHURCH PARKING
1 STORY BRICK OFFICE W/ BASEMENT
RAISED CROSSWALK WITH HIGH VISIBILITY MARKINGS
NEW CONC. SIDEWALK PER COA DETAIL
NEW ASPHALT PARKING FOR PARKING
BICYCLE PARKING (1 RACK/2 SPACES)
LOWER PATIO AND ACCESS TO LOWER LEVEL
SHARED PARKING (20 SPACES) PER AGREEMENT WITH ADJACENT PROPERTY (PARKING AGREEMENT TO BE PROVIDED TO COA)
5 EVERGREEN SHRUBS
NEW CONC. SIDEWALK PER COA DETAIL
RAMP ACCESS TO MAIN ENTRANCE
NEW CONC. SIDEWALK CONNECTION TO PUBLIC WAY
EXISTING TREES USED FOR TREE CREDITS (SEE TABLE) TYP.
0 10' 20' 40' 60' 80'



EXISTING TREE CREDITS	
5" DOGWOOD	1 TREE
4" DOGWOOD	1 TREE
4" DOGWOOD	1 TREE
12" MAPLE	2 TREE
16" WHITE OAK	3 TREE
16" WHITE OAK	3 TREE
16" WHITE OAK	3 TREE
5" SWEETGUM	1 TREE
10" WHITE OAK	3 TREE
TOTAL CREDITS	16 TREES

COMPLIANCE NOTES

1. ALL DRIVEWAY AND ENTRANCE CONNECTIONS ARE SUBJECT TO LOCAL AGENCY APPROVALS. ALL SIDEWALKS SHALL PROVIDE ADEQUATE HANDICAP ACCESSIBILITY AT CROSSWALKS.

2. ANY PLANT MATERIAL TO BE INSTALLED IN THE R.O.W. SHALL BE APPROVED BY THE CITY OF ASHEVILLE ARBORIST. PLANT SPECIES AND FULL PLANTING PLAN SHALL BE SUBMITTED AT FINAL TRC. PLANT MATERIAL SHALL BE SELECTED FROM CITY OF ASHEVILLE RECOMMENDED SPECIES LIST.

3. A LIGHTING PLAN SHALL BE SUBMITTED TO THE CITY OF ASHEVILLE PLANNING DEPARTMENT DURING THE FINAL PERMITTING PHASE OF DEVELOPMENT. ALL SITE LIGHTING SHALL BE EQUIPPED WITH 90-DEGREE CUT-OFF FIXTURES AND ORIENTED AWAY FROM SURROUNDING PROPERTIES. FIXTURE SELECTION SHALL BE APPROVED BY PLANNING STAFF TO ENSURE THAT THE PROPOSED STRUCTURES ARE ARCHITECTURALLY COMPATIBLE WITH THE SURROUNDING NEIGHBORHOOD.

4. ALL PAVEMENT STRIPING SHALL BE THERMOPLASTIC MEETING ASHEVILLE STANDARDS.

5. LANDSCAPE CONTRACTOR MUST COORDINATE THE LOCATION OF THE TREES TO AVOID EXISTING AND PROPOSED DEVELOPED AND CONVEYANCE EASEMENTS. NO TREES ARE ALLOWED TO BE PLANTED IN SUCH EASEMENTS.

6. NO DUMPSTERS ARE PROPOSED AT THIS LOCATION. TRASH WILL BE HANDLED BY CITY OF ASHEVILLE WASTE SERVICES.

DEVELOPER
MONMOVMIN, LLC
958 TUNNEL ROAD
ASHEVILLE, NC 28805
CONTACT: HAYDN HASTY
(828) 768-2183

CONTACT
MATT GROCE, PLA
SITEWORK STUDIOS, PLLC
351 DEPOT STREET, SUITE 120
ASHEVILLE, NC 28801
(O) (828) 225-4045
(F) (828) 225-4047
matt@siteworkstudios.com

PROJECT ADDRESS:
PINS:
TRACT 1: 9636-07-6342
TRACT 2: 9636-86-0826
TOTAL ACREAGE OF DEVELOPMENT: 0.881 AC
TRACT 1: 0.312 AC.,
TRACT 2: 0.569 AC.
TRACT 1: 958 TUNNEL ROAD, ASHEVILLE, NORTH CAROLINA 28805
TRACT 2: 958 TUNNEL ROAD, ASHEVILLE, NORTH CAROLINA 28805

ZONING:
CURRENT:
TRACT 1: RM-16
TRACT 2: OFF (CD)
PROPOSED: CONDITIONAL DISTRICT (CD) CONDITIONAL ZONING

SETBACKS (CD OFF):
FRONT: 0'
SIDE: 0'
REAR: 0'

PARKING REQUIREMENTS:
TRACT 1 (CHURCH USE):
REQUIRED PARKING: 1 SPACE PER 4 SEATS IN MAIN WORSHIP AREA (150 SEATS) = 38 SPACES
PROVIDED: 7 SPACES ON SITE + 20 SPACES OFF SITE (SHARED PARKING AGREEMENT) = 27 SPACES
SHARED PARKING AGREEMENT ATTACHED

TRACT 2 (OFFICE):
REQUIRED PARKING: 1 SPACE PER 300 SF = 1,440 SF / 300 = 5 SPACES
PROVIDED: 5 SPACES ON SITE
TOTAL PARKING REQUIRED: 43 SPACES
TOTAL PARKING PROVIDED: 32 SPACES

FAR CALCULATIONS:
TOTAL NEW BUILDING AREA: 1,440 SF

IMPERVIOUS SURFACE CALCULATIONS:
TRACT 1: 13,611 SF
TRACT 1 EXISTING: 9,533 SF (.219 AC)
TRACT 1 IMPERVIOUS: 43%

TRACT 2: 12,219 SF
TRACT 2 EXISTING: 11,673 SF (.268 AC)
TRACT 2 IMPERVIOUS: 92%

TOTAL: 38,453 SF
TOTAL PROJECT ACREAGE: 0.881 AC (38,453 SF)
TOTAL IMPERVIOUS: 21,206 SF (.487 AC)
TOTAL IMPERVIOUS: 55%

LANDSCAPE CALCULATIONS:

BUILDING IMPACT LANDSCAPE REQUIREMENTS (B3)
TOTAL SQUARE FOOTAGE OF BUILDING FOOTPRINT = 1,440 SF
PLANTINGS REQUIRED AT 1 TREE/1,000 SQUARE FEET (SF) OF BUILDING FOOTPRINT = 2 TREES
PLANTINGS REQUIRED: 1 TREE/1,000 SF = 2 TREES
NUMBER OF TREES PROVIDED = 2 (EXISTING TREE CREDITS)
NUMBER OF SHRUBS PROVIDED = 0

PARKING LOT LANDSCAPE REQUIREMENTS (PL)
PLANTINGS REQUIRED AT 1 TREE/4 SQUARE FEET (SF) OF TOTAL VEHICULAR USE AREA = 2,000 SF
TOTAL VEHICULAR USE AREA OF PARKING LOT = 8,000 SF
PLANTINGS REQUIRED = 2 TREES/8 SHRUBS
PLANTINGS PROVIDED = 2 TREES/0 SHRUBS (EXISTING TREE CREDITS)

STREET TREE LANDSCAPE REQUIREMENTS (ST)
TOTAL LINEAL FOOTAGE OF PUBLIC RIGHT OF WAY = 125 LF
TREES REQUIRED AT 1 PER 40 LINEAR FEET
NUMBER OF TREES REQUIRED = 4
NUMBER OF TREES PROVIDED = 4 (EXISTING TREE CREDITS)

BUFFERYARD REQUIREMENTS (B)
NO BUFFERS ARE REQUIRED FOR THIS PROJECT.

TREE CANOPY REQUIREMENTS (TC)
NO TREE CANOPY AREA REQUIRED FOR THIS PROJECT.

sitework STUDIOS
LANDSCAPE ARCHITECTURE
Ecosystems | Land Development | Site Design | Construction | 828.225.4045

WELLSPRING
960 TUNNEL ROAD
ASHEVILLE, NC

PREPARED FOR:
MONMOVMIN, LLC
ASHEVILLE, NORTH CAROLINA

REVISIONS

NO.	REMARKS	DATE
1	TRC COMMENTS	6/29/2015

NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT C-1188 SITEWORK STUDIES, PLLC

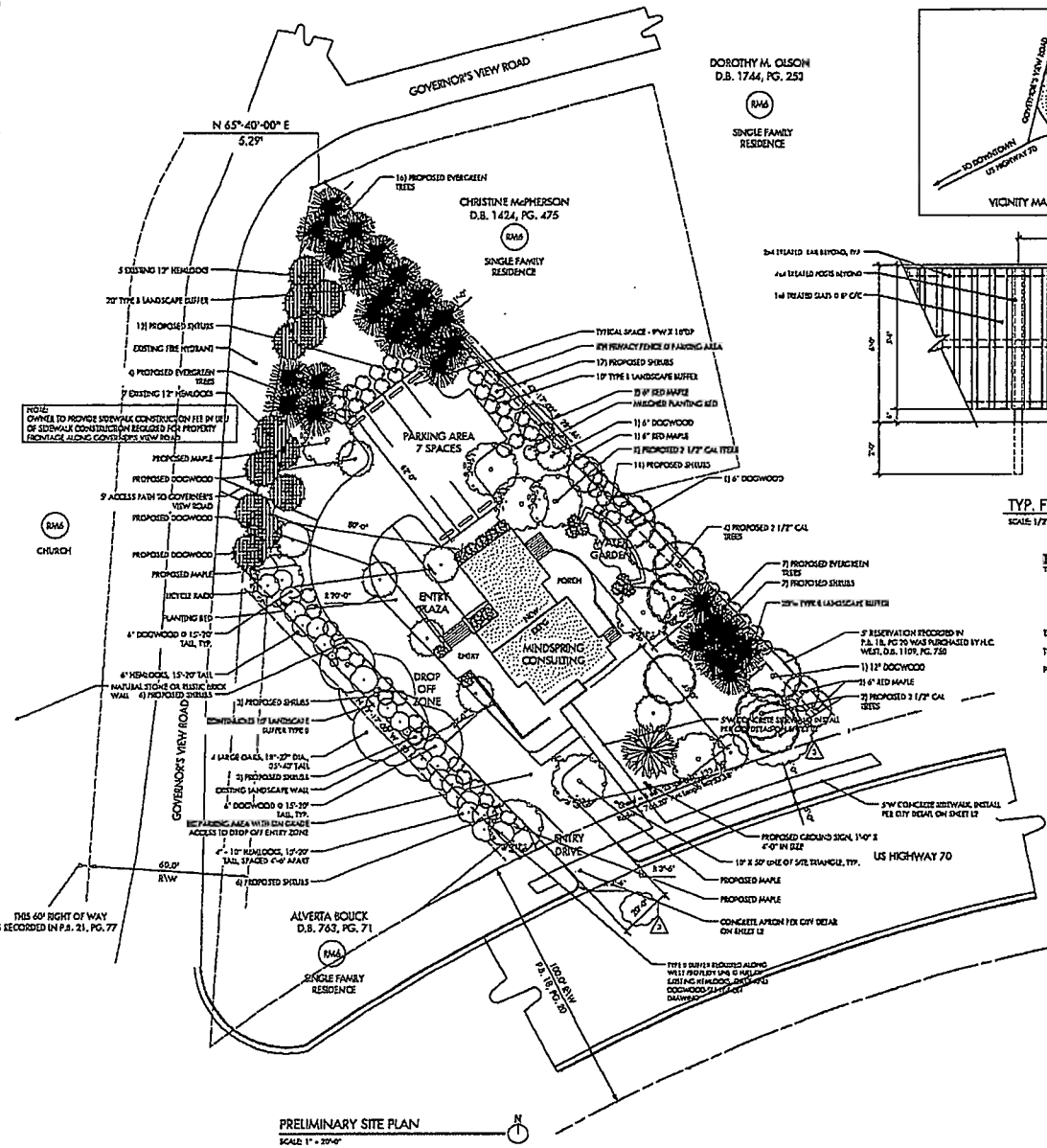
DATE:
MAY 27, 2015

SHEET TITLE:
CONCEPTUAL LAYOUT AND ZONING COMPLIANCE PLAN

SHEET NO.
L-300

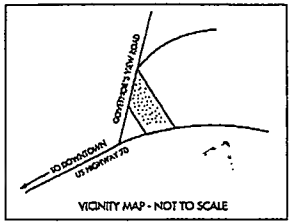
811

Exhibit C 1 of 2

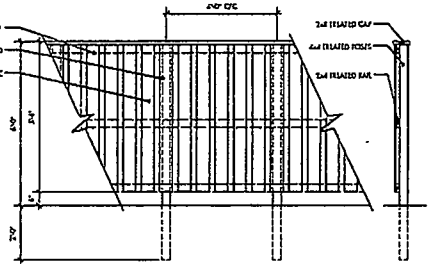

GOVERNOR'S VIEW ROAD
N 65°-40'-00" E
5.29'
DOROTHY M. OLSON
D.B. 1744, PG. 253
RM6
SINGLE FAMILY RESIDENCE
CHRISTINE McPHERSON
D.B. 1424, PG. 475
RM6
SINGLE FAMILY RESIDENCE
16) PROPOSED EVERGREEN TREES
5 EXISTING 12" HEMLOCKS
20' TYPE B LANDSCAPE BUFFER
12) PROPOSED SHRUBS
EXISTING FIRE HYDRANT
6 PROPOSED EVERGREEN TREES
7 EXISTING 12" HEMLOCKS
NOTE: OWNER TO PROVIDE SIDEWALK CONSTRUCTION FEE IN LIEU OF SIDEWALK CONSTRUCTION REQUIRED FOR PROPERTY FRONTAGE ALONG GOVERNOR'S VIEW ROAD
PROPOSED MAPLE
PROPOSED DOGWOOD
5' ACCESS PATH TO GOVERNER'S VIEW ROAD
PROPOSED DOGWOOD
RM6
CHURCH
PROPOSED DOGWOOD
PROPOSED MAPLE
BICYCLE RACK
PLANTING BED
6' DOGWOOD @ 15'-20' TALL, TYP.
6' HEMLOCKS, 15'-20' TALL
NATURAL STONE OR RUSTIC BRICK WALL
6) PROPOSED SHRUBS
2) PROPOSED SHRUBS
CONTINUOUS 10' LANDSCAPE BUFFER TYPE B
4 LARGE OAKS, 15'-20' DIA. 25'-40' TALL
2) PROPOSED SHRUBS
EXISTING LANDSCAPE WALL
6' DOGWOOD @ 15'-20' TALL, TYP.
KEY PARKING AREA WITH ON GRADE ACCESS TO DROP OFF ENTRY ZONE
6' - 10' HEMLOCKS, 15'-20' TALL STAGED 6'-0" APART
6) PROPOSED SHRUBS
60.0' R/W
THIS 60' RIGHT OF WAY IS RECORDED IN P.B. 21, PG. 77
GOVERNOR'S VIEW ROAD
ALVERTA BOUCK
D.B. 763, PG. 71
RM6
SINGLE FAMILY RESIDENCE
PARKING AREA
7 SPACES
TYPICAL SPACE - 9'W X 18'D
6ft PRIVACY FENCE @ PARKING AREA
17) PROPOSED SHRUBS
10' TYPE B LANDSCAPE BUFFER
3) 6" RED MAPLE
MULCHED PLANTING BED
1) 6" DOGWOOD
1) 6" RED MAPLE
7) PROPOSED 2 1/2" CAL TREES
11) PROPOSED SHRUBS
1) 6" DOGWOOD
ENTRY PLAZA
RECESSED
WATER GARDEN
PORCH
MINDSPRING CONSULTING
ENTRY
DROP OFF ZONE
4) PROPOSED 2 1/2" CAL TREES
7) PROPOSED EVERGREEN TREES
7) PROPOSED SHRUBS
25% TYPE B LANDSCAPE BUFFER
P.B. 18, PG 70 WAS PURCHASED BY H.C. WEST, D.B. 1109, PG. 750
1) 12" DOGWOOD
1) 6" RED MAPLE
2) PROPOSED 2 1/2" CAL TREES
5'W CONCRETE SIDEWALK, INSTALL PER CITY DETAIL ON SHEET L2
PROPOSED GROUND SIGN, 5'-0" X 6'-0" IN SIZE
10' X 50' LINE OF SITE TRIANGLE, TYP.
US HIGHWAY 70
PROPOSED MAPLE
PROPOSED MAPLE
CONCRETE APRON PER CITY DETAIL ON SHEET L2
TYPE B BUFFER PLANTED ALONG WEST PROPERTY LINE IS MADE UP OF EXISTING HEMLOCKS, EVERGREEN DOGWOOD, SUMMER OAK DRAWING
100.0' R/W P.B. 19, PG. 20

PRELIMINARY SITE PLAN

SCALE: 1" = 20'-0"



VICINITY MAP - NOT TO SCALE



TYP. FENCE DETAIL (IF REQ'D)

SCALE: 1/2" = 1'-0"

SITE PLAN DATA:

1. OWNER(S): MR. & MRS. WAYNE MAST
2. CONTACT PERSON: CARLETON R. COLLINS, AIA / 285-0430
3. DESIGN PROFESSIONAL: SEE ABOVE.
4. LOCATION OF PROJECT: SEE VICINITY MAP.
5. PIN # PARTIALLY OBTAINED.
6. SIZE OF PROPERTY: 37,746 SQUARE FEET. IMPERVIOUS AREA = 10,575 SQUARE FEET.
7. ZONING DISTRICT: 1964 - CURRENT / OFFICE DISTRICT - PROPOSED.
8. PARKING: 8 SPACES REQUIRED - 7 TOTAL PROVIDED, INCLUDING 1 VAN ACCESSIBLE HANDICAP SPACE.
9. BUILDING DATA: ONE STORY - 1,920 SQUARE FEET.
10. OPEN SPACE: 10,023 OPEN SPACE PER 1,000SF OF GROSS FLOOR AREA. 30% OF OPEN SPACE REQUIRED.
11. ADDITIONAL NOTES PER CITY OF ASHEVILLE:
   A. OWNER TO PROVIDE FEE IN LIEU OF SIDEWALK CONSTRUCTION REQUIRED FOR PROPERTY FRONTAGE ALONG GOVERNOR'S VIEW ROAD.
   B. NO EXTERIOR HOUSING TO BE PROVIDED.
   C. EXISTING FIRE HYDRANT PROVIDED ON PROPERTY & WITHIN 400' OF BUILDING.
   D. REFER TO SHEET L2 FOR CITY SIDEWALK AND CURB DETAILS.

SITEWORK NOTES:

1. VERIFY ALL EXISTING CONDITIONS PRIOR TO CONSTRUCTION AND NOTIFY THE ARCHITECT OF ANY DISCREPANCIES BETWEEN DRAWN AND ACTUAL CONDITIONS.
2. COORDINATE WITH LOCAL UTILITIES FOR THE ROUTING OF NEW SERVICES TO THE PROJECT. THESE SERVICES SHALL INCLUDE THE ELECTRICAL, TELEPHONE AND CABLE TELEVISION. ALL SERVICES SHALL BE UNDERGROUND FROM THE NEAREST PUBLIC ROADWAY.
3. WORK TO EXISTING GRADES AS REQUIRED TO BLEND SMOOTHLY INTO THE SURROUNDING CONDITIONS AND TO INSURE POSITIVE DRAINAGE AWAY FROM THE PROJECT.
4. THE OWNER SHALL PROVIDE ALL LANDSCAPING (INCLUDING BUT NOT LIMITED TO MULCH, SEEDING, SHRUBS, TREES, AND GROUND COVERS.

SITEWORK CONSTRUCTION SEQUENCE:

1. INSTALL SILT FENCES AS LOWER PERIMETER OF EARTH MOVING OPERATIONS ONLY AS REQUIRED BY LOCAL AUTHORITIES, OR AS SHOWN ON THE PLAN.
2. REQUEST INSPECTION AND PERMIT TO PROCEED FROM LOCAL AUTHORITY AS REQUIRED.
3. COMMENCE EARTH DISTURBING ACTIVITIES. IF THESE ACTIVITIES REQUIRE MORE THAN PREPARATION OF A PAVEMENT SUB BASE, FOOTINGS AND RELATED ACTIVITIES FOR BLDG. CONSTRUCTION, NOTIFY THE ARCHITECT.
4. ALLOW NO GROUND TO REMAIN UNPROTECTED FOR MORE THAN 30 DAYS. INSPECT SILT FENCES AFTER EACH RAINFALL AND AT LEAST MONTHLY REMOVE ACCUMULATED SEDIMENT TO MAINTAIN THEIR EFFECTIVENESS.
5. INSTALL MULCH MAT AT HEAD OF ENTRY DRIVE AND REFRESH THE AS REQUIRED TO MAINTAIN ITS EFFECTIVENESS.
6. APPLY SEED AND MULCH AS INDICATED AS GRADE IS REACHED.
7. UPON COMPLETION OF THE PROJECT REMOVE ALL TEMPORARY EROSION CONTROL DEVICES, AND REPAIR ANY GROUND DISTURBED IN THEIR REMOVAL.

NOTE TO CONTRACTOR:

IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO CONTAIN SEDIMENT GENERATED BY CONSTRUCTION TO THE PROPERTY, AND TO PREVENT THE TRACKING OF EXCESSIVE MUD BY CONSTRUCTION VEHICLES ONTO ADJACENT ROADS.

TYPE A BUFFER: NORTH

TREES REQUIRED: (9) EVERGREEN
(3) 2 1/2" CAL TREES
(3) 8'-10' HEIGHT TREES
(12) SHRUBS

THE ABOVE LISTED QUANTITIES WILL BE PLANTED ALONG THE NORTH PROPERTY LINE.

EXISTING TREES USED FOR CREDIT
(12) 12" HEMLOCKS

TOTAL CREDITS: 24

PROPOSED PLANTS
(12) SHRUBS (COMBINATION OF HYBRID RHODODENDRONS AND BURNING BUSH
(4) EVERGREEN TREES: AMERICAN HOLLY

20' TYPE B BUFFER: EAST

TREES REQUIRED: (22) EVERGREEN
(7) 2 1/2" CAL TREES
(7) 8'-10' HEIGHT TREES
(32) SHRUBS

THE ABOVE LISTED QUANTITIES WILL BE PLANTED ALONG THE NORTH PROPERTY LINE.

EXISTING TREES USED FOR CREDIT
(3) 6" RED MAPLES
(2) 6" DOGWOOD
(1) 12" DOGWOOD

TOTAL CREDITS: 9

PROPOSED PLANTS
(23) EVERGREEN TREES: COMBINATION OF HOLLOCK, AMERICAN HOLLY AND WHITE SPRUCE
(9) 2 1/2" CAL TREES: COMBINATION OF RED MAPLE, FOLSA DOGWOOD AND LITTLE LEAF LINDEN
(32) SHRUBS: COMBINATION OF LEATHERLEAF VIBURNUM, HYBRID RHODODENDRON AND BURNING BUSH

TYPE B BUFFER: WEST

TREES REQUIRED: (12) EVERGREEN
(3) 2 1/2" CAL TREES
(3) 8'-10' HEIGHT TREES
(16) SHRUBS

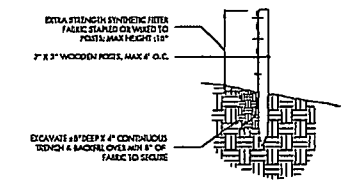
THE ABOVE LISTED QUANTITIES WILL BE PLANTED ALONG THE WEST PROPERTY LINE.

EXISTING TREES USED FOR CREDIT
(4) 20" OAKS
(4) 6" DOGWOOD
(14) 6" HEMLOCK

TOTAL CREDITS: 34

PROPOSED PLANTS
(2) 2 1/2" CAL TREES: MAPLE
(18) SHRUBS: COMBINATION OF HYBRID RHODODENDRON AND BURNING BUSH

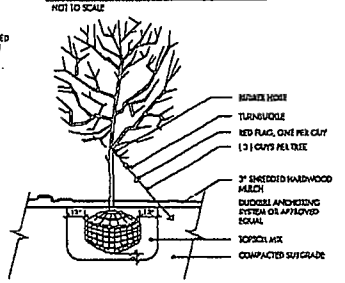
NOTE: IN ADDITION TO EXISTING TREES SHOWN ARE NUMEROUS HEMLOCKS @ 2" DIA. OR LESS ON ADJACENT PROPERTY.


EXTRA STRENGTH SYNTHETIC FILTER FABRIC STAPLED OR WIRED TO POSTS. MAX HEIGHT 18"
3" X 3" WOODEN POSTS, MAX 8' O.C.
EXCAVATE 8"DEEP X 4" CONTINUOUS TRENCH & BACKFILL OVER 8" OF FABRIC TO SECURE

NOTE:
1. CUT FABRIC FROM ROLL SO AS TO MINIMIZE JOINTS. WHEN JOINTS ARE NECESSARY, SECURELY FASTEN THE FABRIC ENDS TO ADJACENT POSTS, PROVIDING A 6" MIN. OVERLAP.
2. DO NOT PLACE SILT FENCE ACROSS DRAINAGE DITCHES OR AREAS OF CONCENTRATED FLOW.

TYPICAL SILT FENCE

NOT TO SCALE



TYP. TREE PLANTING AND GUYING (TYP.)

NOT TO SCALE

PROGRESSIVEARCHITECTURE

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PROGRESSIVE ARCHITECTURE

MINDSPRING CONSULTING
ADDITIONS & RENOVATIONS
ASHEVILLE, NORTH CAROLINA

DRAWING: SITE PLAN

DATE: MAY 24, 2006

REVISIONS:

#1	JULY 10, 2006
#2	JULY 24, 2006
#3	AUGUST 17, 2006

SHEET:

L-1

Exhibit C
20.2.2
19

ORDINANCE NO. 4445

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO INCREASE THE CIVIL PENALTIES FOR VIOLATIONS OF UDO PROVISIONS WHICH RELATE TO THE USE OF A RESIDENTIAL STRUCTURE FOR CERTAIN LODGING USES

WHEREAS, the City of Asheville has the authority, pursuant to N.C. Gen. Stat. § 160A-175, to assess fines and civil penalties for violations of its ordinances and to provide that each day's continued violation is a separate and distinct offense.

WHEREAS, the City of Asheville has the discretion to determine the amount of the civil penalties assessed for violations of its ordinances, based on what is reasonable to deter violations, encourage compliance and enforce its ordinances.

WHEREAS, to effectively enforce the City's ordinances regulating and restricting the use of a residential structure for certain Lodging Uses, the City Council of the City of Asheville finds that it is reasonable to assess a penalty of $500.00 per day for violations of those ordinances.

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City, and is determined to be reasonable and in the public interest for the reasons as follows:

a) Will more efficiently deter UDO violations and improve enforcement;

b) Will preserve residential uses in residential areas of the City; and

c) Will ensure neighborhood compatibility and non-residential encroachments.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Chapter 7 of the Code of Ordinances of the City of Asheville is hereby amended as follows:

a. Section 7-18-2(b) is amended as follows:

(b) Civil penalties.

(1) General. Violations of this chapter, except as otherwise stated herein, including violations of sections 7-5-13, 7-12-1, 7-12-2 and article XV, shall subject the offender to a penalty in the amount of $100.00 per day for each day the violation continues, to be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within the prescribed period of time after he or she has been cited for the violation.

a. There shall be a civil penalty for damaging or destroying trees and vegetation for use in landscaping and buffering as set forth in section 7-11-2 of the chapter. This section is also applicable to trees and vegetation destroyed from a historic landmark or property in a historic district without a certificate of appropriateness as

set forth in section 7-5-11. The additional one time fine shall be set forth in Appendix B — Schedule of Civil Penalties subsection I. The replacement schedule will not be applicable for violations of section 7-5-11. This civil penalty is in addition to the civil penalty issued in subsection 7-18-2(b)(1).

b. There shall be an additional civil penalty for altering, damaging or destroying the exterior of a historic landmark or structure in a historical district without a valid certificate of appropriateness issued pursuant to section 7-5-11 as set forth in Appendix B — Schedule of Civil Penalties subsection J. This civil penalty is in addition to the civil penalty issued in 7-18-2(b)(1).

c. There shall be a penalty of $500.00 per day for a violation of any of the provisions of this chapter relating to the use of a residential structure for a Lodging use, including:

1) the renting or leasing of a dwelling unit for less than one month in districts which do not allow Lodging Facilities; and

2) the use of property as a Homestay.

Section 2: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3: All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4: his ordinance will become effective upon adoption.

Read, approved, and adopted this the 25th day of August, 2015.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

ORDINANCE NO. , 4446

ORDINANCE AMENDING ZONING FOR PROPERTY(S) LOCATED AT 200 ASHELAND AVENUE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City, and is determined to be reasonable and in the public interest for the following reasons:

a. Expansion of the CBD is generally recommended in the *2025 Plan* and specifically recommended along Asheland Avenue in the *Downtown Master Plan*
b. Four similar requests have been approved in this immediate location since 2013, leading to staff and the Downtown Commission pursuing a multi-parcel rezoning effort.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

> The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9648.37-0638, and, recorded in Deed Book 1624, Page 456; and currently owned by Beacon Properties from Regional Business (RB) district to Central Business District (CBD). A copy of the official zoning map showing said lot is attached hereto as Exhibit "A" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or

phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 6. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 8th day of September, 2015.

Magdalen Bullock
City Clerk

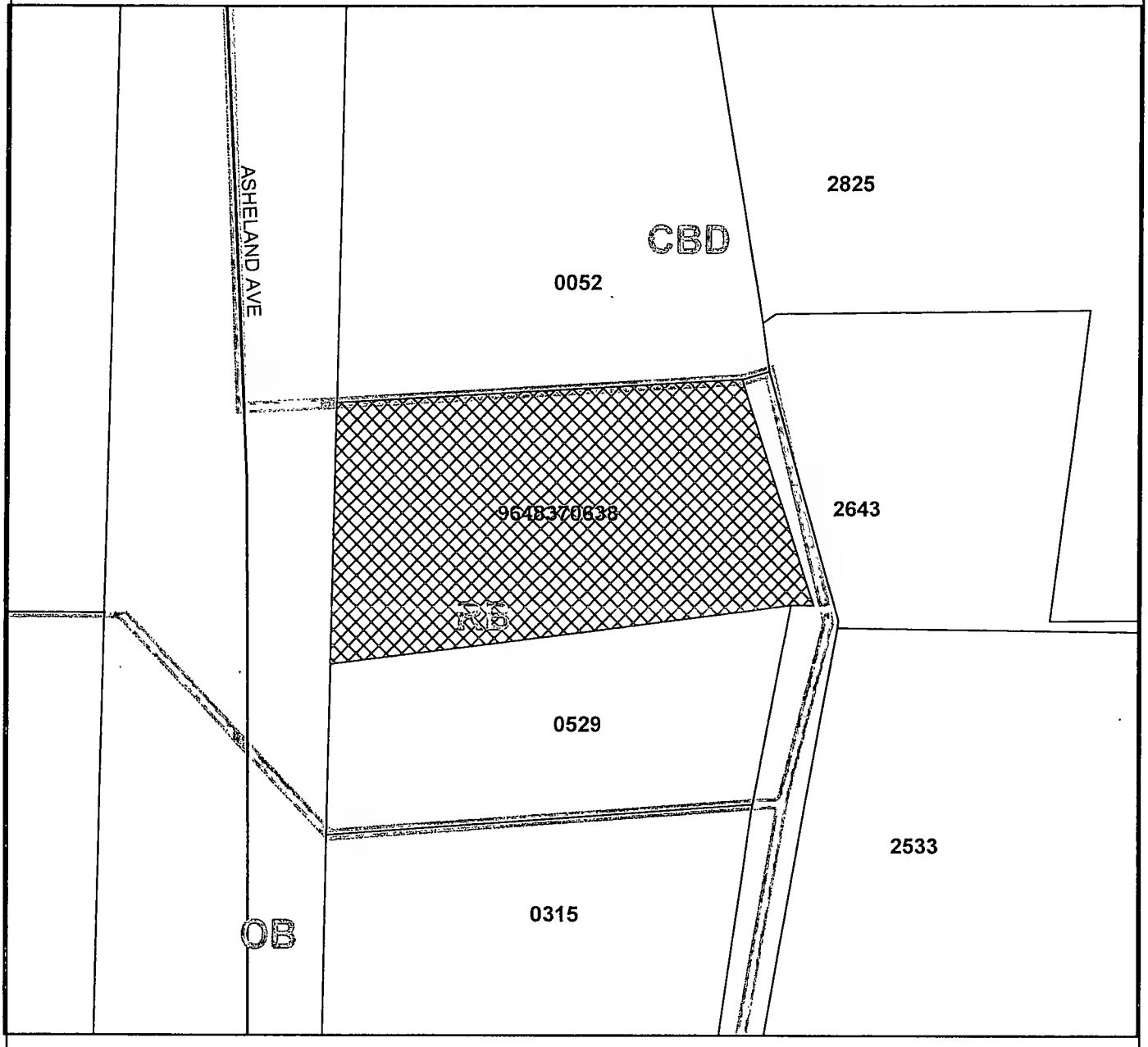
Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

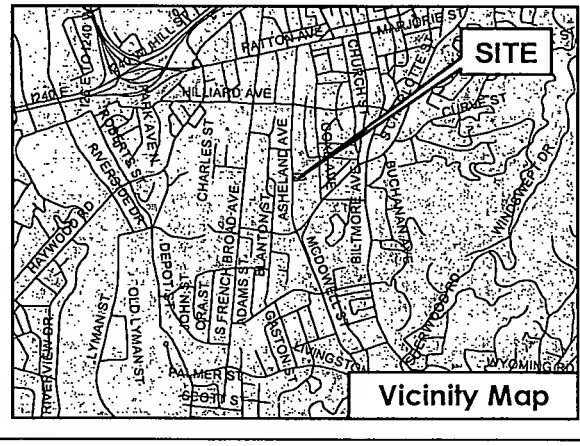
Magdalen Bullock
City Clerk

City of Asheville - Exhibit A Map
Rezoning Request - 200 Asheland Avenue



Project Name:	Rezoning Request
Project Number:	15 - 07905 PZ
Project Description:	Straight rezoning from RB to CBD
Petitioner(s):	Beacon Properties
Parcel ID Number(s):	9648.37-0638
Location/Address:	200 Asheland Avenue

Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams



City of Asheville Planning and Development Department - June 2015

ORDINANCE NO. 4447

ORDINANCE AMENDING OFFICIALLY ADOPTED MAPS PERTIANING TO THE CENTRAL BUSINESS DISTRICT: HEIGHT ZONE MAP

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, these maps appear in the development standards section for the Central Business District and pertain to height allowances and other development standards; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. The proposed map amendment is in accordance with adopted land use changes.
b. The proposed map amendment implements portions of the adopted Downtown Master Plan and supports City Council's *Goals and Vision Plan.*
c. The map amendment will support the redevelopment of the south area of downtown.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The map entitled "Height Zone Map" be amended as proposed and attached hereto as Exhibit A and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 8th day of September, 2015.

Magdalen Bullson
City Clerk

Mayor

Approved as to form:

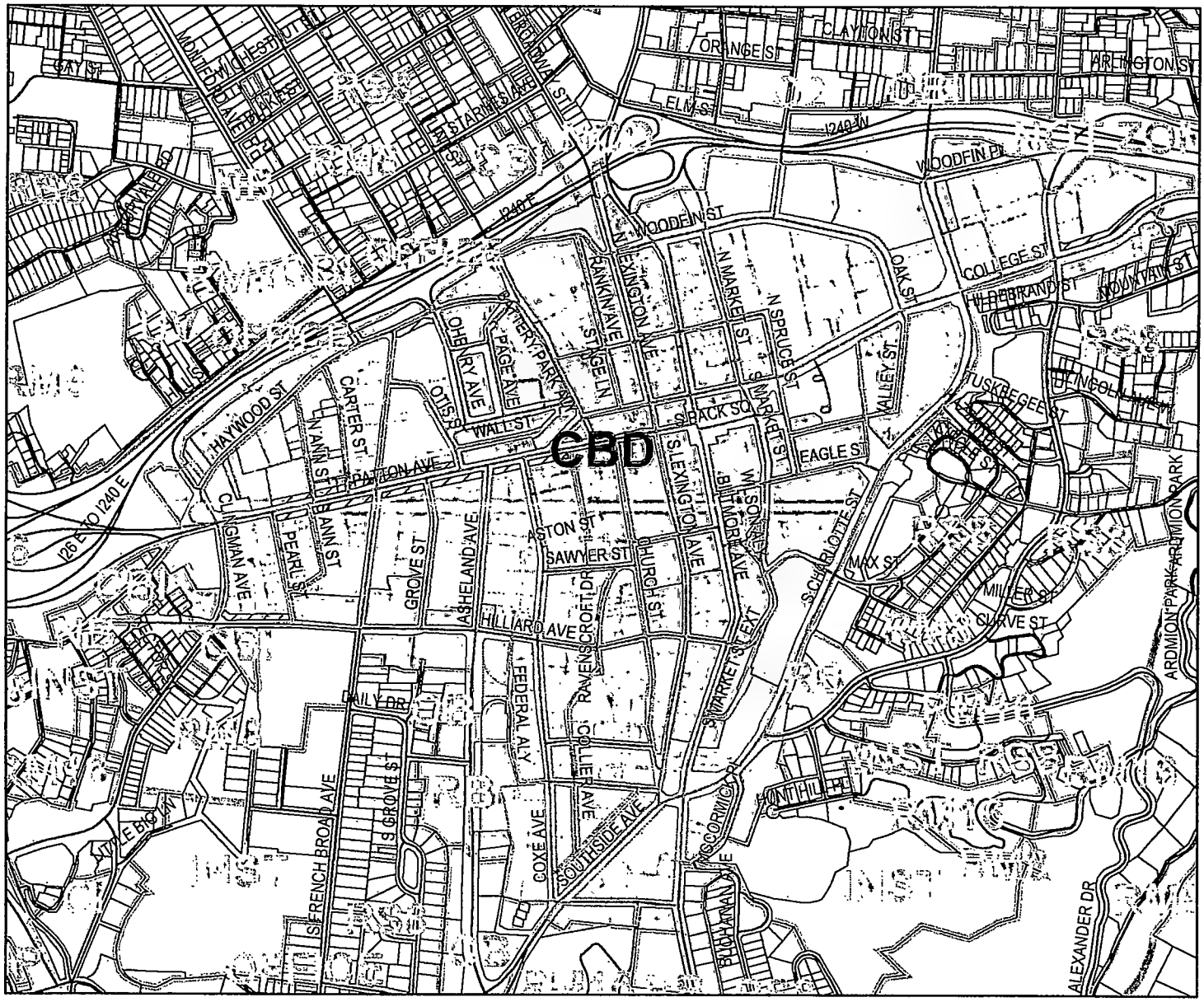
City Attorney

Magdalen Bullson
City Clerk

ASHEVILLE

City of Asheville - Downtown Master Plan Concepts Height Zone Map

N
W E
S


CBD
ORANGE ST
CLAYTON ST
ARLINGTON ST
ELM ST
I240 W
WOODFIN PL
WOODFIN ST
COLLEGE ST
MOUNTAIN ST
HILDEBRAND ST
OAK ST
N MARKET ST
N SPRUCES ST
ALLEY ST
TUSKEGEE ST
LINCOLN TERR
KING ST
HAYWOOD ST
CARTER ST
N ANN ST
PATTON AVE
OTIS ST
OHENRY AVE
PAGE AVE
BATTERY PARK AVE
RANKIN AVE
STAGE LN
WALL ST
BACK SQ
S MARKET ST
EAGLE ST
S LEXINGTON AVE
BILTMORE AVE
WILSON AVE
S CHARLOTTE ST
MAX ST
MILLER ST
CLARVE ST
ARDMON PARK
ARDMON PARK
I26 E TO I240 E
CLINGMAN AVE
PEARL ST
S ANN ST
GROVE ST
ASHELAND AVE
ASTON ST
SAWYER ST
CHURCH ST
HILLIARD AVE
RAVENSCROFT DR
S MARKET ST EXT
ALLEY
FEDERAL ALY
COLLEGE AVE
SOUTHSIDE AVE
COXE AVE
S FRENCH BROAD AVE
S GROVE ST
ALLEY
ALLEY
ALLEY

128

ORDINANCE NO. 4448

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO PERMIT CAT CAFÉ AS A USE IN THE CENTRAL BUSINESS DISTRICT

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Unified Development Ordinance (Chapter 7 of the City Code of Ordinances) prohibits *kennels* as a use within the Central Business District; and

WHEREAS, *kennels* are classified in the Unified Development Ordinance as a high-impact use; and

WHEREAS, a cat café associated with permitted commercial activities can be a complementary, low-impact use that focuses on the need for pet adoption; and

WHEREAS, the Comprehensive Plan recommends reviewing and updating development regulations to meet the technical and social changes of the local economic development situation; and

WHEREAS, this proposed change to the UDO is determined to be consistent with the Comprehensive Plan and other adopted plans, and is reasonable in that it will add to the city's dynamic and diverse culture and economy by contributing to the eclectic mix of creative, innovative businesses and the employment opportunities they provide.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Chapter 7 of the Code of Ordinances of the City of Asheville is hereby amended as follows:

a. Section 7-2-5 is amended by adding the following definitions:

Cat café means any premises used to house or contain homeless, orphaned, or unwanted cats and that is owned, operated, or maintained by an organization that is licensed by the State as an animal shelter and devoted to the welfare, protection, and humane treatment of animals for the purpose of adoption, and which incorporates retail sales to support the interaction of patrons with cats, such as a café, bookshop, or other permitted use.

b. Section 7-8-1(d) regarding Table of Permitted Uses is amended by adding "Cat café" under the category of "Retail Uses" with the following use types:

CBD – P

c. Section 7-17-3 (c) Land Use Impact Table is amended by adding Cat Café as a low-impact use under the Office/Business classification.

Section 2: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3: All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4: This ordinance will become effective upon adoption.

Read, approved, and adopted this 8th day of September, 2015.

Magdalen Bouleson
City Clerk

Elaine E. Marr
Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

130

ORDINANCE NO. 4449

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 311 AND 315 OLD HAW CREEK ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City is determined to be reasonable and in the public interest for the following reasons:

a) The project proposes the reuse of an existing building, the most sustainable form of development;

b) The project will provide neighborhood-scale co-working spaces that will serve residents of Haw Creek; and

c) The project improves access and safety for users of the site as well as for neighbors by adding sidewalks along the streets and through the property itself.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

> The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9659-80-1408, and, recorded in Deed Book 1034, Page 39; and currently owned by Bethesda United Methodist Church from Residential Single Family Medium Density District (RS-4) to Institutional District Conditional Zone (INST CZ). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1", and substantially compliant with the site plan as shown on Exhibit C attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 8th day of Sept., 2015.

Magdalen Bullock
City Clerk

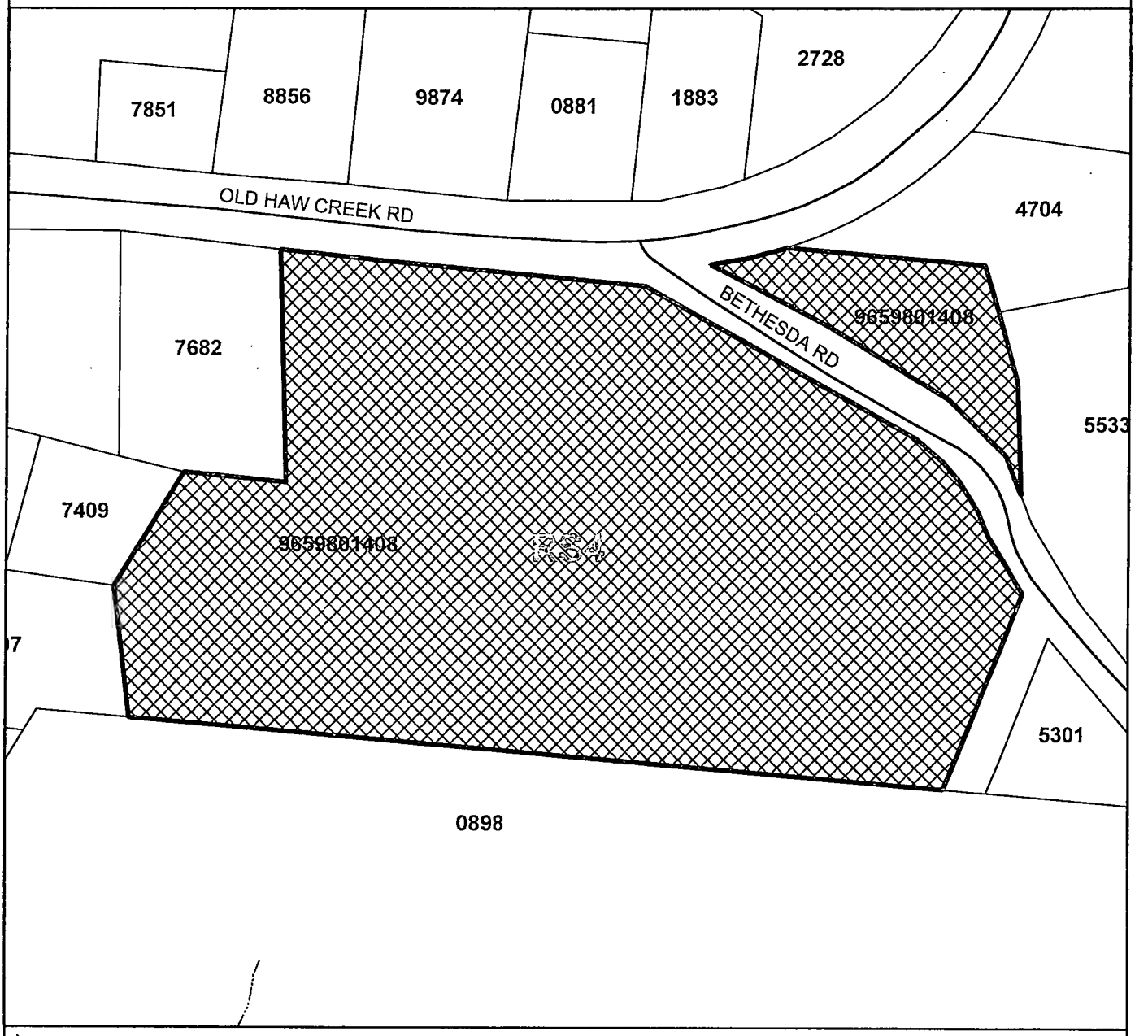
Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

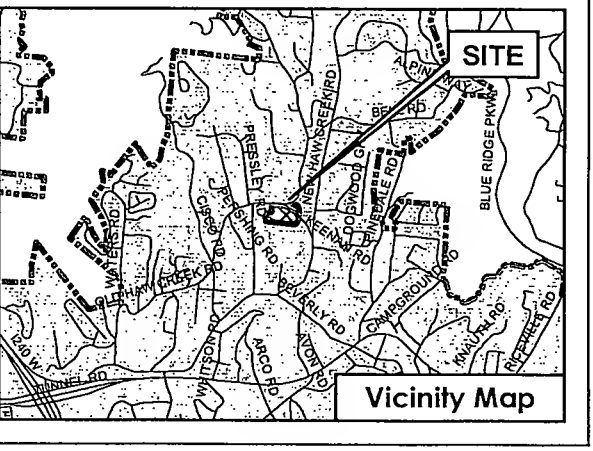
Magdalen Bullock
City Clerk

City of Asheville - Exhibit A Map
Haw Creek Commons



Project Name:	Haw Creek Commons
Project Number:	15-03994PZ
Project Description:	Renovation of existing church & construction of 10 small houses
Petitioner(s):	Helps Ministries
Parcel ID Number(s):	9659-80-1408
Location/Address:	311/315 Old Haw Creed Road

Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams



City of Asheville Planning and Development Department - Date goes here

Haw Creek Commons - CZ

Exhibit B1 Conditions

1. The zoning designation for the parcel at 311/315 Old Haw Creek Road (PIN 9659-80-1408) will be Institutional – Conditional Zone (INST – CZ).

2. The site will operate as a Place of Worship, community center and an institutional facility providing seminary training. Typical activities associated with these uses are permitted at this site which may include but are not limited, except where provided below: recreation activities, religious services, and instruction, activities incidental to places of worship, and community centers, community meetings and skill building activities, shared co-working office and kitchen spaces, housing for students including ten small home units and the existing parsonage. Prohibited activities include the construction of additional housing units, retail sales not associated with incidental use of places of worship or community center activities.

3. Site plan includes 6.16 acres of land that will be developed with ten small cottages that measure no more than 600 square feet each with footprints that are approximately 300 square feet in area, except for the ADA unit, which may be larger. The cottages shall be used for housing, limited to up to 20 ministerial students. The development will also include renovations to existing buildings and shall be in substantial compliance with the site plan which is incorporated herein.

4. Renovations to the fellowship hall will create a shared office space (approximately 800 SF) and dining hall (approximately 800 SF), as well as upgrades to the kitchen so that it is may function as a commercial kitchen/shared-use space. The sanctuary will not be divided. The shared-use co-working kitchen and co-working office spaces will be open to the public (including food trucks) at a charge.

4a. There will be no more than twenty four (24) co-workers on site at any one time. Maximum limits are broken down as twenty (20) co-workers limited to the office space and four (4) co-workers limited to the kitchen at any one time. Applicant shall have an on-site manager to coordinate the use of this shared kitchen/office space.

4b. There shall be no retail sales from the co-working kitchen/maker space nor from the co-working office spaces. No restaurant sales are allowed.

4c. There shall be no limited hours of operations for the co-working kitchen/maker space nor for the co-working office spaces. The applicant shall return to the Planning & Zoning Commission one year after this conditional zoning is adopted to review the hours of operation to determine if limits need to be set. Approximate date: September 2016.

5. Open space is designated as shown on plans and totals approximately 1.82 acres.

6. Parking will be provided for 41 spaces on site, including three that are accessible.

7. Street trees will be provided along street frontages as illustrated in the plan and will indicate tree size in relation to overhead power lines.

8. Sidewalks will be provided along the frontage of both Old Haw Creek Road and Bethesda Road, and will also run south, bisecting the property, along the western edge of the cemetery.

9. The property will maintain a 30-foot-wide yard buffer along the perimeter of the property except along the cemetery, where the yard buffer is modified through this permit.

10. Along portions of the yard buffer with dense vegetation, plants are not required to be removed in order to add shrubs and evergreens where the overall result would be a thinner, more transparent buffer. Within these sections only, shrubs and evergreen plants are not required.

11. The access road adjacent to the church will serve as the primary property access to the property and will be shared by the residents of the parsonage and ten small homes in order to obviate the gravel driveway west of the parsonage to A) reduce the number of property entrances/exits, and B) to remove the road as an encroachment from the yard buffer to allow for a more plantings along the western part of the property. This access driveway will be the primary access point for the ten small homes. The parsonage and ten small homes shall be addressed to this driveway that shall be named. The address of the church shall remain 315 Old Haw Creek Road.

12. The project will comply with requirements of the Technical Review Committee.

13. Any legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.

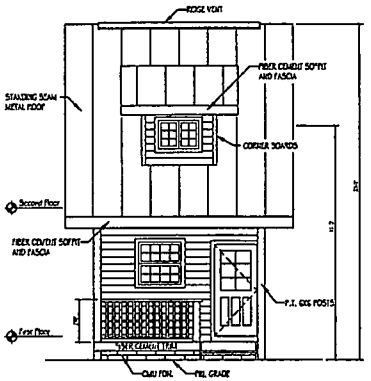
14. The building design, construction materials, and orientation on site must substantially comply with the site plan (attached hereto as Exhibit C) and incorporated by reference. Any major deviations from these plans may result in reconsideration of the project by the reviewing boards.

DEVELOPMENT DATA

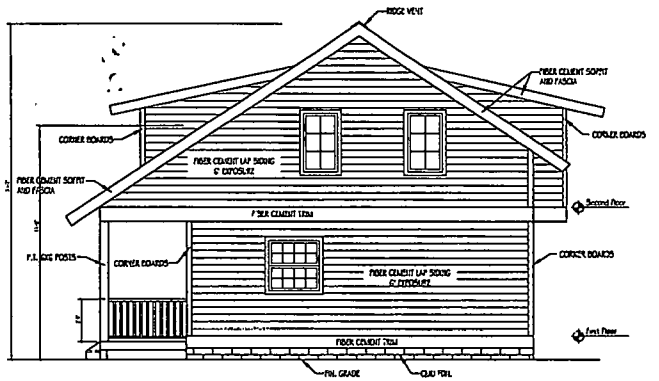
Project Location and Address:	New Creek United Methodist Church 311 and 315 Old New Creek Road Asheville, NC 28805
Owner:	United Methodist Church, Western North Carolina Inc. P.O. Box 18005 Charlotte, NC 28218 Tele: (704) 525-3395
Contact Person:	Sean Rice 1713 Beechwoods Road Yadkinville, NC 27055 Tele: (828) 545-0701
PIN Number:	9659801408
Existing Zoning District:	RS 4 - Residential Single-Family Medium Density
Proposed Zoning District:	CUST - Institutional
Building Information:	Crescent Housing (Tiny) 10 units - 300 sq. ft. ea. Maximum Foot Print 600 sq. ft. Maximum Total Area 2 Story 16'-5" high

Floor Area

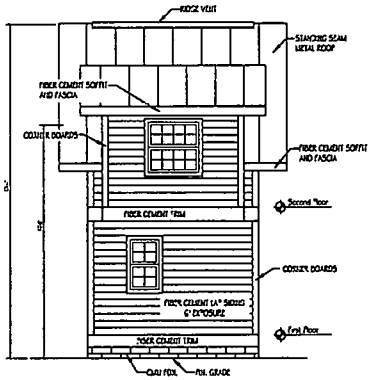
First Floor:	220.00 sq. ft.	12'-0" x 25'-0"
Front Porch:	72.00 sq. ft.	12'-0" x 6'-0"
Second Floor:	300.00 sq. ft.	12'-0" x 25'-0"



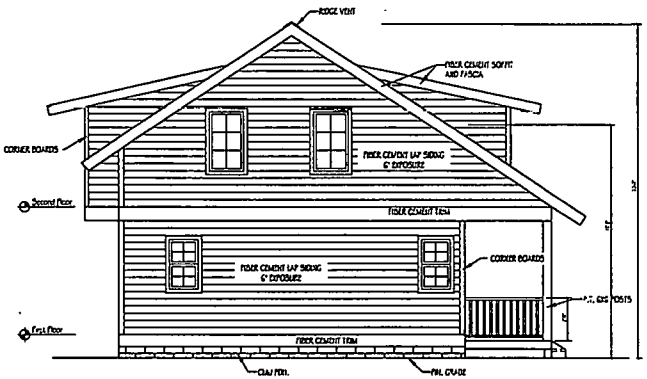
Front Elevation
SCALE: 1/4"= 1'-0"



Right Side Elevation
SCALE: 1/4"= 1'-0"



Rear Elevation
SCALE: 1/4"= 1'-0"



Left Side Elevation
SCALE: 1/4"= 1'-0"

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Revisions		
No.	Date	Remarks

Proposed Student Housing for
Bethesda United Methodist Church
315 Old New Creek Road Asheville NC 28805

Helps Ministries
"Maximizing Mission Impact"
1340-J Patton Avenue, Asheville, NC 28806 Phone: 828-277-3812

Drawing Title
Tiny House Elevations

Project No.: 14-005
Date: March 25, 2015
Scale: 1/4"=1'-0"
Drawn By: BLW
Checked By: DSW
Client Approval:

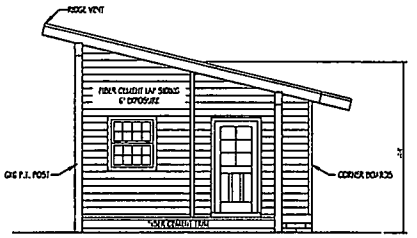
Dwg. No.
A1.1
Sheet 4 of 7

T:\2014\14-005 Bethesda UMC\Final TH\14-005 TH.A1 11/9/2015 10:03:13 PM

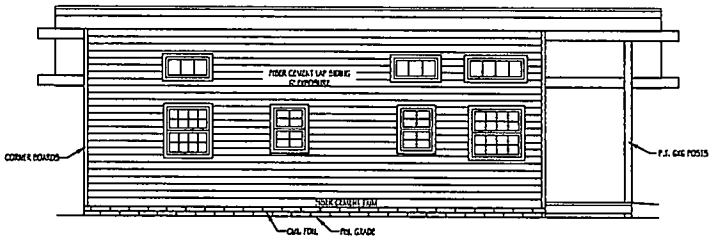
Exhibit C 193
135

DEVELOPMENT DATA

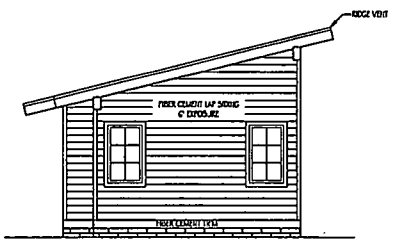
Project Location and Address:	Haw Creek United Methodist Church 311 and 315 Old Haw Creek Road Asheville, NC 28805
Owner:	United Methodist Church, Western North Carolina Inc. P.O. Box 18005 Charlotte, NC 28218 Tele: (704) 525-3395
Contact Person:	Sean Rice 1713 Beechwood Road Yadkinville, NC 27055 Tele: (828) 545-0701
PIN Number:	8659801408
Existing Zoning District:	RS 4 - Residential Single-Family Medium Density
Proposed Zoning District:	INST - Institutional
Building Information:	Stascot Housing (Tiny) 1 ADA unit - 560 sq. ft. 1 Story 12-2" high



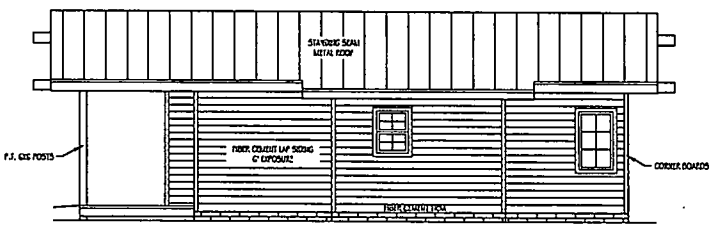
Front Elevation
SCALE: 1/4"= 1'-0"



Right Side Elevation
SCALE: 1/4"= 1'-0"



Rear Elevation
SCALE: 1/4"= 1'-0"



Left Side Elevation
SCALE: 1/4"= 1'-0"

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Revisions		
No.	Date	Remarks

Proposed Student Housing for
Bethesda United Methodist Church
315 Old Haw Creek Road, Asheville, NC 28805

Helps Ministries
1340-J Patton Avenue, Asheville, NC 28806 Phone: 828-277-3812
"Maximizing Motion Impact"

Drawing Title	Tiny House Elevations
Project No.:	14-005
Date:	March 25, 2015
Scale:	1/4"= 1'-0"
Drawn By:	BLW
Checked By:	DSW
Client Approval:	
Dwg. No.	PA1.2
Sheet	4 of 7

T:\2014\14-005 Bethesda UMC\Final TRC\14-005 PA1.2 FINAL.dwg, 8/31/2015 3:07:19 PM

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Exhibit C 2 of 3

GENERAL NOTES:

1. All new corners are 5/8" rebar with caps unless otherwise noted

2. Property subject to all easements and restrictions of record

3. Lines not surveyed are shown as broken lines from information referenced on the face of this plat

4. The area shown hereon was computed using the coordinate computation method

5. Subject property is not located within a flood hazard Area according to flood insurance rate map 370032 panel 9859 suffix J dated Jan 6, 2010

6. Location of utilities, whether public or private, is based upon field location of visible appurtenances

7. All distances are horizontal ground

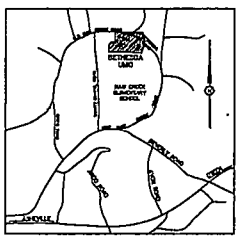
8. This plat has been prepared in conformity with North Carolina standards, G.S.47-30, and requirements of law, but a North Carolina licensed attorney-at-law should be consulted regarding correct ownership, width, and location of easements and other title questions revealed by a title examination

9. No geodetic monuments were found within 2000 feet of the subject property

10. The subject survey area is zoned RS-4 by the City Of Asheville building setbacks are as follows; Front: 25' Side: 10' Rear: 25'

PROPERTY INFORMATION:

PIN Numbers: 9659801408
Owners N/F: Bethesda United Methodist Church
Deed Reference: 1421-376, 1062-830, 1394-131, 1175-607 and others
Property Address: 311 Old Haw Creek Rd. Asheville NC 28805

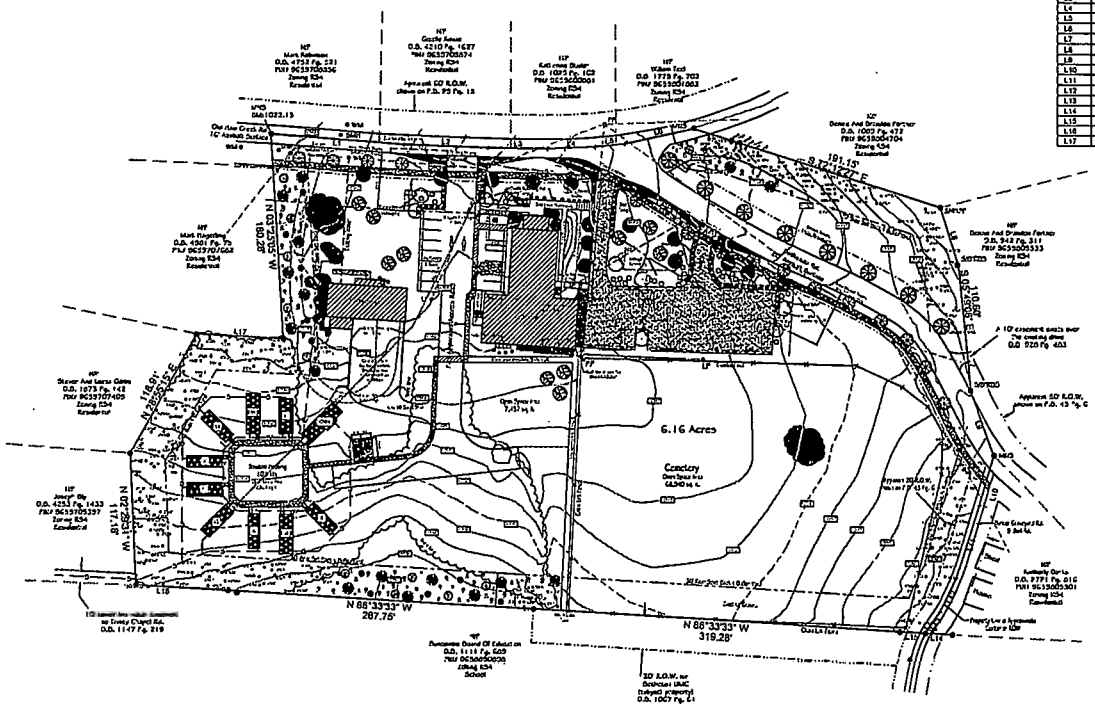


VICINITY MAP

Legend

RBF	Rebar Found
RBS	Rebar Set
MNS	Mag Nail Set
IPF	Iron Pipe Found
BM	Elevation Bench Mark
SMH	Sewer Man Hole
WH	Water Meter
B.B.	Deed Book
Pg.	Page
P.B.	Plat Book
PIN	Parcel Identification Number
PP	Power pole
R.O.W.	Right Of Way
	Deed line "not surveyed"
	Right of Way
	Overhead power
	Calculated point
	Fence line
N/F	Now or Formerly
N.T.S.	Not to Scale
W W	Water
S S	Sewer

LINE	BEARING	DISTANCE
L1	S 83°49'19" E	118.31'
L2	S 87°32'29" E	73.51'
L3	S 89°10'48" E	97.38'
L4	N 87°31'12" E	41.29'
L5	N 83°39'42" E	26.30'
L6	N 77°34'29" E	61.20'
L7	S 77°17'17" E	34.80'
L8	S 15°49'08" E	63.09'
L9	S 18°29'06" E	60.37'
L10	S 15°05'48" W	48.61'
L11	S 17°27'22" W	67.08'
L12	S 24°35'02" W	33.61'
L13	S 33°08'31" W	39.38'
L14	N 88°33'33" W	22.66'
L15	N 88°33'33" W	22.77'
L16	N 88°33'33" W	78.89'
L17	S 88°39'24" E	76.35'


6.16 Acres
Cemetery
Open Space Area
68,941 sq. ft.
Play Area
7,457 sq. ft.
Student Area
2,924 sq. ft.
N 88°33'33" W
287.75'
N 88°33'33" W
319.28'
S 01°26'27" W
110.00'
N 01°26'27" E
110.00'
N 01°26'27" E
180.27'
S 01°26'27" W
181.11'
101.15'
Approximate SD R.O.W. shown on P.B. 43 Pg. 6
Approximate SD R.O.W. shown on P.B. 93 Pg. 13
30' S.D.W. for Duke Power Co. D.B. 1067 Pg. 61
Old Haw Creek Rd. 16' Asphalt Surface
Haw Creek Rd. 16' Asphalt Surface
Open Space Area 68,941 sq. ft.
Play Area 7,457 sq. ft.
Student Area 2,924 sq. ft.
Existing Building 1 Story
Existing Building 1 Story
Existing Building 1 Story

ORDINANCE NO. 4450

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 22nd day of September, 2015.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: To appropriate North Carolina Governor's Highway Safety funds to cover the expenses of purchasing the necessary equipment and travel expenses.

Magdalen Bowlson
City Clerk

City of Asheville

Budget Amendment Details

1. Effective Date: 10/6/2015

2. Fiscal Year: 2015-16

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

Police Dept | 4. Requesting Department | 5. Today's Date | 6. Preparer's Name

7. Comments/Purpose: Budget Amendment for North Carolina Governor's Highway Safety Program Regional Liaison Grant.

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Federal revenue			$0	
22000120-435000-P1600	$0	$0	$20,000	$20,000
			$0	
Expenditures:			$0	
Training			$0	
22000120-523001-P1600	$0	$0	$7,500	$7,500
			$0	
Supplies other			$0	
22000120-524001-P1600	$0	$0	$12,500	$12,500
			$0	
			$0	
			$0	
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			$0	
			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

ORDINANCE NO. 4451

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 22nd day of September 2015.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Use of Federal Drug Seizure Funds to purchase equipment, educational materials and training for the Asheville Police Department.

Magdalen Bowlson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date: 10/6/2015
2. Fiscal Year: 2015/16

3. Amendment to Operating ____ and/or Capital Project __X__ appropriation.

Police	9/22/2015	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose:	Budget Amendment for Federal Asset Forfeiture Funds Federal Forfeiture Training, Edu Materials, Safety Equipment			
8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Federal Forfeitures				
22000120-435000 P0911	$707,974.00	$156,989.00	$747,974.00	$40,000.00
Expenditure:				
Supplies				
22000120-524001 P0911	$337,725.00	$6,001.02	$369,725.00	$32,000.00
Training				
22000120-523001 P0911	$84,848.00	$4,255.81	$92,848.00	$8,000.00
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

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ORDINANCE NO. 4452

ORDINANCE AMENDING ARTICLE III. BOARDS, COMMISSIONS, AND COMMITTEES, DIVISION 2. ASHEVILLE AREA CIVIC CENTER COMMISSION OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO ALLOW THE APPOINTMENT OF ADDITIONAL EX OFFICIO MEMBERS AND COMMITTEE APPOINTMENTS FROM THE COMMUNITY AT LARGE

WHEREAS, Article III, Division 2 of the Code of Ordinances of the City of Asheville specifies, among other things, the composition, duties and functions of the Asheville Area Civic Center Commission; and

WHEREAS, the Asheville Area Civic Center Commission voted at its June 11, 2015 meeting to recommend that the ordinance be revised to allow the Commission to appoint additional non-voting ex officio members and allow the Commission to appoint committee members from the community at large; and

WHEREAS, the Asheville Boards and Commission Committee at its September 8, 2015 meeting recommended approval of the proposed ordinance amendments, specifying that only the addition of the Asheville Buncombe Regional Sports Commission Director and the Asheville Symphony Director as non-voting ex officio members be allowed; and

WHEREAS, it has been determined that these amendments will improve the functioning of the Civic Center Commission by increasing its ability to more greatly involve individuals with experience and expertise of particular value to the responsibilities of the Commission;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. Article III, Division 2 of the Code of Ordinances of the City of Asheville is hereby amended as follows:

   a. Section 2-61 (a) second paragraph is amended by adding the following italicized language:

      The commission shall be composed of nine voting members. The city manager the city finance director and the civic center director, and the Asheville Area Chamber of Commerce's Director of Convention and Marketing Sales, *the Asheville Buncombe Regional Sports Commission Director and the Asheville Symphony Director*, shall be non-voting ex officio members.

   b. Section 2-61 (g) is amended by adding the following italicized language:

      The commission is authorized to appoint committees from its membership or the community at large. The commission may in its by-laws provide for committees whose functions shall be fixed by the commission at the time of appointment. Such committees may be standing or ad hoc committees

and shall perform such duties as may be assigned by the commission. Notice of meetings of committees shall be given as required by law, and the city manager and civic center director shall be notified of any such meeting.

2. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

3. All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

4. This ordinance will become effective upon adoption.

Read, approved, and adopted this 22nd day of September, 2015.

Magdalen Burdison
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burdison
City Clerk

ORDINANCE NO. 4453

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 22nd day of September, 2015.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: 2015 JAG Grant - Local Solicitation

Magdalen Bourleson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date: 10/6/2015
2. Fiscal Year: 2015/16

3. Amendment to Operating ____ and/or Capital Project __X__ appropriation.

Police	10/6/2015	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: JAG 2015 Grant - Local Solicitation
CFDA #16.738
Conducted Electrical Weapons (CEW's)

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Restricted Intergov Fed Grants				
22000122:435000:P1506	$0	$0	$50,434	$50,434
Expenditure:				
Supplies - Safety Equipment				
22000122:524003:P1506	$0	$0	$38,322	$38,322
Awarded Grants				
22000122:527101:P1506	$0	$0	$12,112	$12,112
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

146

ORDINANCE NO. 4454

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 95 CHARLOTTE STREET

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City and is determined to be reasonable and in the public interest as follows:

a) The proposal promotes the adaptive reuse of an historic structure and historic preservation; and
b) The proposal utilizes design review to ensure that neighborhood compatibility is met.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

> The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9649.63-1039 and recorded in Deed Book 2149, Page 331 and currently owned by 95 Charlotte Street, LLC from RM-16 Residential Multi-Family High Density district to O-CZ Office District/Conditional Zoning district. Said rezoning is subject to the conditions set out in Exhibit "B-1" and substantially complies with the site plans shown in Exhibit "C", both attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or

phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 22nd day of September, 2015.

Magdalen Bolleson
City Clerk

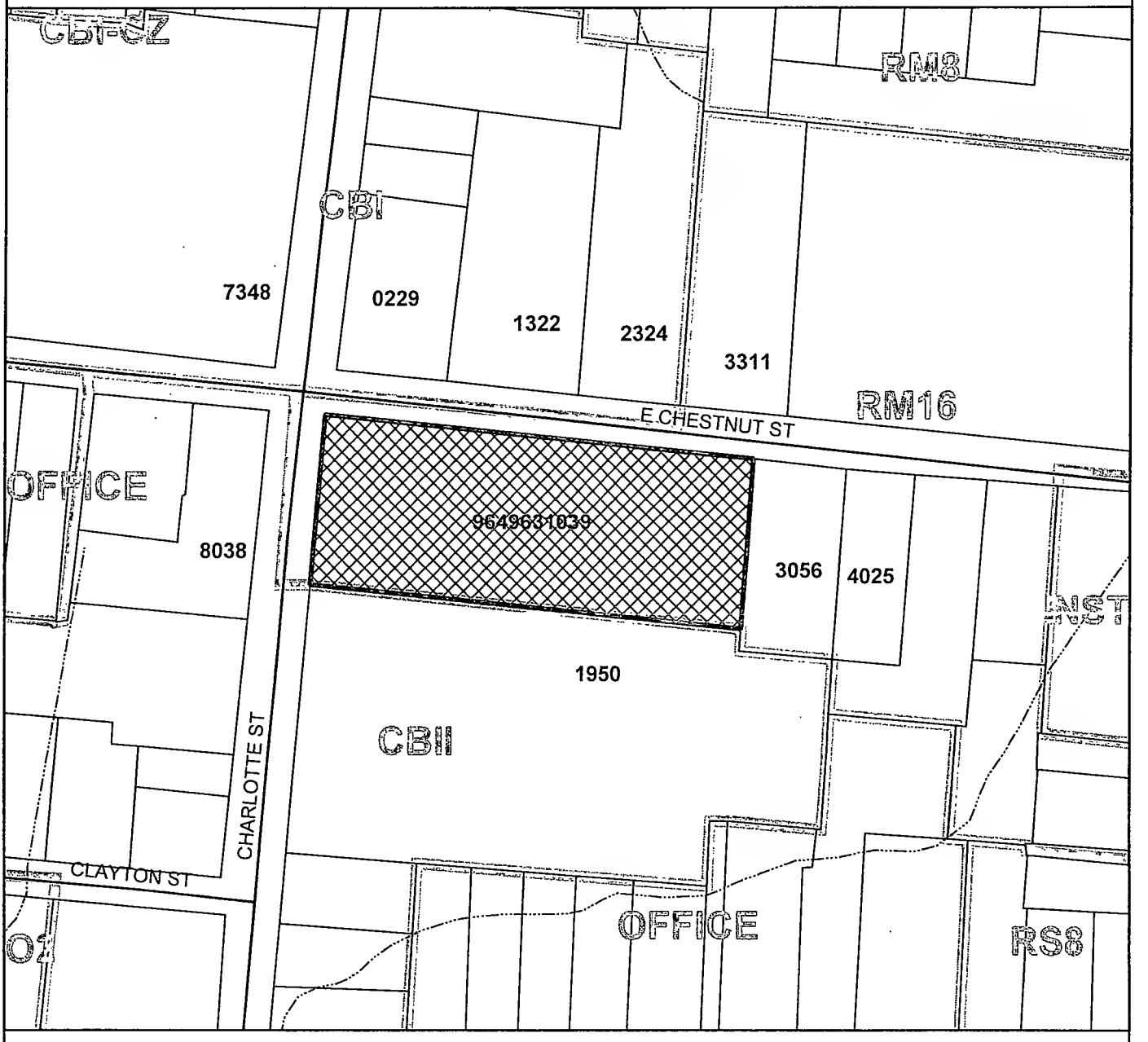
Mayor

Approved as to form:

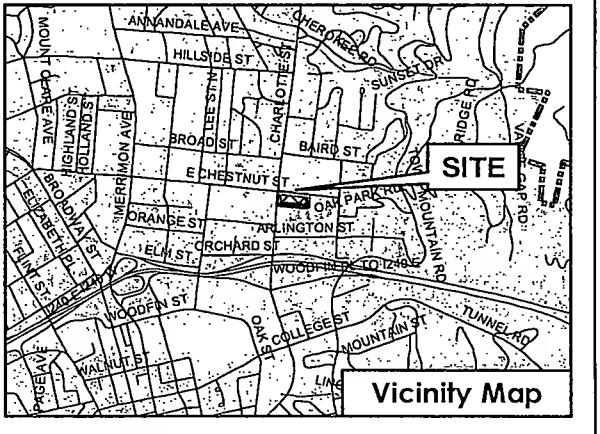
City Attorney

Magdalen Bolleson
City Clerk

City of Asheville - Exhibit A Map
CZ - Historic Patton Parker House



Project Name:	95 Charlotte Street / Patton Parker
Project Number:	15 - 09029 PZ
Project Description:	Office conversion and new construction
Petitioner(s):	Jim Siemens
Parcel ID Number(s):	9649-63-1039
Location/Address:	95 Charlotte Street



Project Site | Parcels | Zoning Districts | Asheville City Limits | Streets | Streams

City of Asheville Planning and Development Department - July 27, 2015

EXHIBIT B-1
CONDITIONS

1. Approval is for conditional zoning from RM-16 Residential Multi-Family High Density District to Office/Conditional Zoning for the conversion of a historic residential structure to office use and the construction of a multi-family residential building on the same property.
2. The new building will be approximately 2,350 square feet in size, two-stories in height and will contain two residential units. The exterior design of this structure is ultimately subject to approval by the Historic Resources Commission (HRC).
3. The historic stone wall which appears on the site plan will be preserved, maintained and reconstructed where necessary.
4. There are historic brick sidewalks along East Chestnut Street (six feet wide) that will be protected and remain. There are also existing concrete sidewalks along Charlotte Street that will remain in place.
5. The landscape plan must be in accordance with the approved landscape plan and even though it does not meet the exact UDO requirements, it creates a landscape that respects the character of the site while meeting the intent of the ordinance, and includes the encroachment of the rear driveway and one parking space.
6. A maximum of 18 parking spaces are permitted for the project; a 12-space vehicular use area in the rear of the property and a maximum of six spaces along the front loop driveway.
7. Due to the historic landmark status of the property, the HRC will review the site design, landscaping, building alterations and new construction against the Secretary of the Interior's Standards for Rehabilitation and must approve a Certificate of Appropriateness before other permits can be issued.
8. Any existing vegetation that is to be preserved and claimed for tree credits must be indicated on the site plan that will be reviewed at Final TRC.
9. The development will be in substantial compliance with the approved site plan which is incorporated herein.
10. All legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.

Siemens Law Group

The Historic Parker - Patton House
95 Charlotte Street, Asheville, NC 28801

Existing Conditions / Demolition Plan

North Scale: 1" = 10'

broadbooks associates p.a.

Project Data Block

Owner/Developer
Permit Number
Landscape Architect
PIN Number
Property Size
Existing Zoning
Building Setbacks
Parking Required
Parking Provided
Proposed Building
Disturbed Area
Impervious Area
Pervious Area
Landscaping Calcs.
Lighting Requirements
Open Space Calcs.

Demo, salvage stone, and repoint wall to historic standards with historically consistent mortar and lay pattern - 33 ll x 4' +/- height. Protect historic trees and shrubs not indicated for removal

Protect existing brick sidewalk

Protect existing brick driveway apron

Protect existing historic stone walls

Demo, salvage stone, and repoint wall to historic standards with historically consistent mortar and lay pattern - 56 ll x 4' +/- height. Protect historic trees and shrubs not indicated for removal and protect existing drip line. See sht 811 plan for any construction

Remove all English ivy and planting vegetation from area at wall repoint

typical tree removal symbol

Protect Water Meter, utility poles and overhead utilities

Remove shed

Protect historic boxwoods

typical tree removal symbol

Protect large existing trees, shrubs, and historic boxwoods. See SW-2, SW-3 & SW-5. Where no grading activities are anticipated, no protection line is indicated, but protection demands remain in place.

Demo, salvage stone, and repoint wall to historic standards with historically consistent mortar and lay pattern - 40 ll x 4' +/- height.

Strip topsoil and vegetation for loop drive construction

Protect Historic steps to remain

Scale existing gravel base and test compaction for reuse suitability in new pavement design section. Refer to SW-2.

Protect large existing trees, shrubs, and historic boxwoods. See SW-3, SW-3 & SW-5. Where no grading activities are anticipated, no protection line is indicated, but protection demands remain in place.

Protect large existing trees, shrubs, and historic boxwoods. See SW-2, SW-3 & SW-5. Where no grading activities are anticipated, no protection line is indicated, but protection demands remain in place.

typical tree removal symbol

Protect existing screen fence

Protect existing gas meter

Demo concrete and base of exist. conc. by hand to protect roots of Junc. Co. Treasure pine 52" White Oak...Refer to SW-2

Strip topsoil and parking area construction

Demo brick knot garden and base. Salvage brick for reuse in wall construction; transplant perennials to location indicated this sheet. Refer to sheet SW-2

Protect existing deck

Protect historic boxwoods

Protect existing path and material

Protect existing brick patio and walls

Protect historic boxwoods

Transplant temporary holding area; 1.5' depth double shredded hardwood mulch

Remove all English ivy and planting vegetation from historic foundation. Great care should be observed with demo by hand...no equipment. Protect adjacent, unsurveyed large Tulip Poplar and Dogwoods.

Phase 1
Phase 2
Phase 3
Phase 2

Demo and remove all existing liquidambar/privet/privet hedge along top of retaining wall and opacus

Demo 17' +/- existing stone wall and foundation. Salvage stone for reuse in other wall repairs

Demo and remove existing concrete apron; refer to sheet SW-2. Relocate existing overhead utilities and pole; refer to SW-2

Protect existing water valve and fire hydrant

POWER POLE (TYPICAL)

Demo wall and base. Salvage brick for reuse in wall construction. Refer to sheet SW-2

typical tree removal symbol

Demo, salvage stone, and repoint wall to historic standards with historically consistent mortar and lay pattern - 56 ll x 4' +/- height. Protect historic trees and shrubs not indicated for removal and protect existing drip line. See sht 811 plan for any construction

Protect existing historic stone walls

Protect existing brick driveway apron

Protect existing brick sidewalk

Careful demo of existing bamboo within drip line of adjacent 60" Oak.

Protect existing screen fence

N 65°12'58" W 324.90'

EXISTING MONUMENT
MONUMENT SET
EXISTING IRON PIPE OR PIN
NEW PIPE OR PIN SET
UNMARKED POINT

AS INDICATED AT POINT
TREE 'TYPE' AS NOTED
FIRE HYDRANT
MANHOLE
WATER METER
POWER OR TELEPHONE POLE

ALL ELEVATION BY CONVENTIONAL METHODS (DIFFERENTIAL LEVELING) CONNECTED TO U.S. BENCHMARK

AREAS DETERMINED BY COORDINATE METHOD
PROPERTY CORNERS MARKED AS NOTED.
PROPERTY LINES NOT MARKED, UNLESS NOTED OTHERWISE.

ALL DISTANCES AS SHOWN ARE U.S. SURVEY FOOT

NOTE:
THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT, WHICH MAY REVEAL ADDITIONAL CONVEYANCES, EASEMENTS, RIGHTS-OF-WAY, OR BUILDING RESTRICTION LINES NOT SHOWN. ALL PROPERTY OWNERSHIPS WERE TAKEN FROM CURRENT TAX RECORDS ONLY.

95 Charlotte Street
CITY OF ASHEVILLE
BUNCOMBE COUNTY, NORTH CAROLINA

PIN # 9648-83-1039 DB 3149 PG 533 Zoned CBA-R
1.229 ACRES 53,553 SQ.FT.

Survey by:

Existing Plant Care and Maintenance Notes:

The use of boxwood around the Parker-Patton House is examples of historic plantings and the genetic stock is of historic value. As the boxwood have become overgrown, discontinued and the larger ones along the street are often blocked and infected by mold and disease make much of the planting. Some 60 to 80 plants may be salvageable and may be moved back.

Per discussion along the wall next to Charlotte Street there were mature trees. Most of these are located as well with mortar-like material at or near to the exterior face of the boxwood bed (shrub). Where these attached to wall is cracks. Once some contact was made between the plants should be cut to free them. Tree will be kept to remove the insect, dust, or dirt and avoid pulling roots to the wall. Remove all the plants along the Charlotte Street wall. All plants to have been once a part of a hedgerow that have evolved to have multiple trunks and poor branching. If an overgrown hedge is desired consider an alternative. Pull accommodate new more before removing. Plant these in front of the trees and as a visual end as Privacies. Are less specific yet grow 10-20 feet wide in Privacies. They should possess an attractive privacy screen without having the same problems of existing on the street or power lines presented by the end of the line.

The bushes along the back property line (to just discharge. Hardscape such as Charlotte Street and cut-out as a curb application for excluded specimen of concrete bottle on the Preservation property will be the best standards. At 48" depth with 8" above the soil line is the best application followed by selected trees may only "restrictive". Managing the biomass beyond the property line will consider the size of many tree application. There are few extensive bushes made from classic or shed cut trees. Please more interesting and managing of "shadows" trees.

There are a few Norway Spruce in the back but none close to the property bordering Charlotte Street (along an area) a shade and mowers extensive damage from borer. As the pest tends to swarm and from the ecological it is recommended that one of the Spruce at the above edge area, be removed and a new piece of replacement be of same size trees to be planted.

Gill Bub
Arborist and Landscape Counties Area Agent
NORTH CAROLINA COOPERATIVE EXTENSION SERVICE

Existing Plant Transplant Notes:

Trees and many shrubs and perennials to be moved to be in their shade to be relocated. Dig plant and immediately store in mound of double shredded hardwood mulch in location indicated on plan. (planting)

NC ONE-CALL
CALL BEFORE YOU DIG!
1-800-632-4949, or 811

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File Name: Cover.dwg

Project Folder: 16Siemens-95 Charlotte\BA Files\CDs\Sheets\

DATE: 07/08/16

SW-1
of
6

150

Exhibit C

165

Siemens Law Group

The Historic Parker - Patton House
95 Charlotte Street, Asheville, NC 28801

Layout & Paving Plan

Project Data Block

Owner/Developer	Siemens Real Estate Holdings, LLC 202 East Chestnut Street Asheville, NC 28801
Permit Number	-
Landscape Architect	Mark A. Siemens, RLA, ASLA Broadbooks Associates, P.A. 134 E. Chestnut St., Suite 1 Asheville, NC 28801 (828) 232-0004
PIN Number	0649-43-8284-00000
Property Size	43,233 sf, 1.23 Ac., Total
Existing Zoning	DN-1 & Multi-Family 16 units/acre Conditional Zoning Request to: CBD-C
Building Setbacks	Front - 15' Side - 10' Rear - 20'
Parking Required	n/a; Conditional Zoning
Parking Provided	15 standard spaces + 1 handicap = 16 + 3 bicycle spaces
Proposed Building	Main: 3-story; Basement: 1,773 sq.ft.; G.F.A.: 5,320 sf
Disturbed Area	21,643 sf (0.50 Ac)
Impervious Area	Pre-Development - 9,366 sf (0.22 Ac) Post-Development - 16,926 sf (0.39 ac. (0.17 ac. disturbed impervious area)
Pervious Area	Pre-Development - 33,767 sf (0.81 Ac) Post-Development - 26,307 sf (0.65 ac. (0.17 ac. disturbed impervious area)
Landscaping Calcs.	See Landscape Plan
Lighting Requirements	Building and Canopy lighting only
Open Space Calcs.	n/a

Pavement Schedule

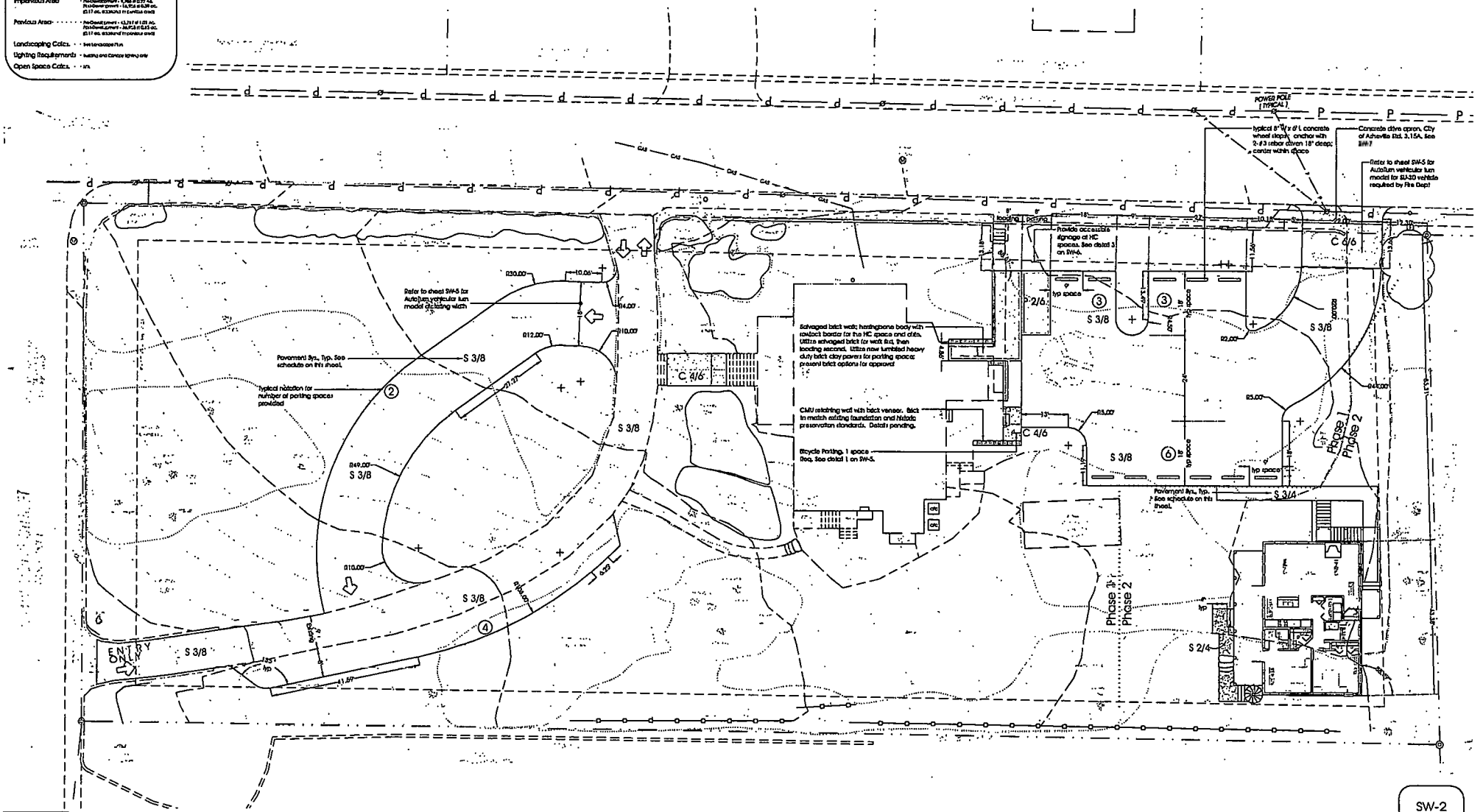
C 4/6	4" ABC for concrete over ABC, 6" compacted depth. Substitute with 6" of #57 or #67 stone (See structural drawings for thickness of stone), voids & building elevations)
P 2/6	10 square yard pavers over 6" stone for pedestrian loading (stone base 6" compacted ABC. Pavers edge restraint per paver product guidelines when abutting CA concrete and mortar polymeric sand joints.
S 3/8	3" thick compacted Hot Mix asphalt stone over ABC, 6" compacted depth. Conform to NCDOT 1/2
S 2/4	2.5" minimum thickness asphalt with new 1" layer #67 stone overlay over Type B 25 mm Superpave Asphalt with #67 stone over ABC, 4" compacted depth.
S 3/4	3" thick compacted Hot Mix asphalt over ABC, 6" compacted depth. Conform to NCDOT 1/2

Notes:

1. All dimensions are measured from edge of pavement, face of curb & face of buildings unless indicated otherwise.
2. All angles are 90 deg. unless indicated otherwise.
3. Building dimensions indicated are for reference only. Refer to architectural drawings for exact dimensions.
4. Notify landscape architect of any significant discrepancies that may affect design.
5. All asphalt striping shown on plan shall be white.
6. Do not scale from plan.
7. Refer to sheet SW-8 for Erosion Specifications

North

Scale: 1" = 10'


Refer to sheet SW-5 for Autoturn vehicular turn model circulating width
Pavement Sys., Typ. See schedule on this sheet.
S 3/8
Typical notation for number of parking spaces provided
Salvaged brick wall; herringbone body with soldier border for the HC space and curb. Utilize salvaged brick for wall first, then loading second. Utilize new tumbled heavy duty brick clay pavers for parking space; present brick options for approval
CMU retaining wall with brick veneer. Brick to match existing foundation and historic preservation standards. Details pending.
Bicycle Parking, 1 space req. See detail 1 on SW-5.
Provide accessible signage at HC spaces. See detail 3 on SW-6.
POWER POLE (TYPICAL)
typical 8'-0" x 6'-0" concrete wheel stops, anchor with 2-#3 rebar driven 18" deep; center within space
Concrete drive apron, City of Asheville Std. 3.15A, See SW-7
Refer to sheet SW-5 for Autoturn vehicular turn model for SU-30 vehicle required by Fire Dept
C 4/6
P 2/6
S 2/4
S 3/4
Phase 1
Phase 2
ENTRY ONLY
typ space

NC ONE-CALL
CALL BEFORE YOU DIG
1-800-632-4949, or 811

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File Name: SW-2 LP.dwg

Project Folder: 16Siemens-95 Charlotte\BA Files\CD\Sheets\

DATE: 07/08/15

SW-2
2 of 6

2 of 5

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Historic Parker Patton House

95 Charlotte Street, Asheville, North Carolina

Changes to TRC Submission

0//13/15

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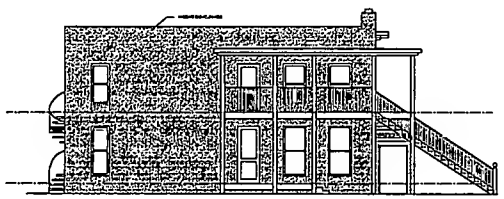
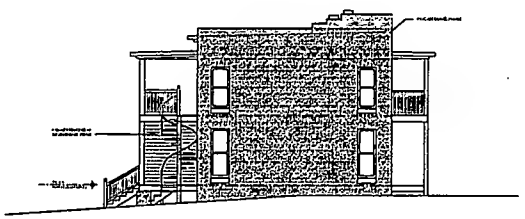
3 / A1 North Elevation
Scale: 1/4" = 1'-0"

2 / A1 West Elevation
Scale: 1/4" = 1'-0"

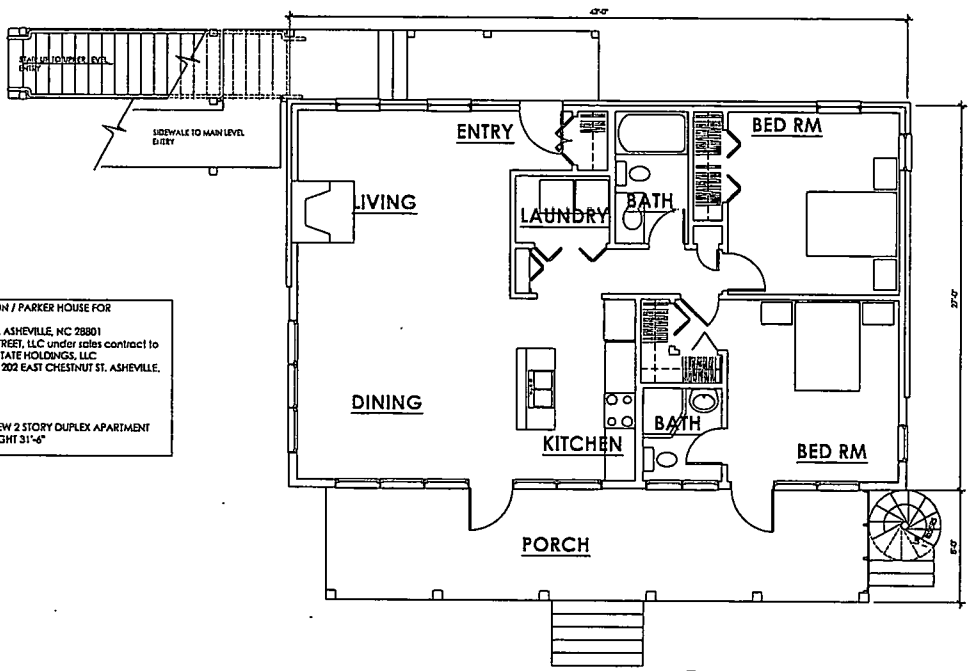


4 / A1 East Elevation
Scale: 1/8" = 1'-0"



5 / A1 South Elevation
Scale: 1/8" = 1'-0"

PROJECT: REHABILITATION OF PATTON / PARKER HOUSE FOR SIEMENS LAW GROUP
ADDRESS: 95 EAST CHESTNUT STREET, ASHEVILLE, NC 28801
PROPERTY OWNER: 95 CHARLOTTE STREET, LLC under sales contract to SIEMENS REAL ESTATE HOLDINGS, LLC
CONTACT: JIM SIEMENS, ATTORNEY, 202 EAST CHESTNUT ST. ASHEVILLE, NC
28801, TEL. 828-252-5000
PIN: 9649-63-1039
ZONING: RM16
PROJECT PHASE 2: CONSTRUCT A NEW 2 STORY DUPLEX APARTMENT 1161S.F. PER STORY. (2 STORIES). HEIGHT 31'-6"



1 / A1 Main Level Plan
Scale: 1/4" = 1'-0"

NOTE: SECOND LEVEL PLAN IS THE SAME AS MAIN LEVEL PLAN

GEORGE STOWE ARCHITECT
member American Institute of Architects
184 East Chestnut Street • Asheville, NC 28801
ph 828-251-2357 • fax 828-225-0530
gstowearchitect@bellsouth.net
www.GeorgeStoweArchitect.com

DATE: 07-07-2015
REVISIONS:
REVISED 9-04-2015

REHABILITATION OF THE PATTON/PARKER HOUSE FOR SIEMENS LAW GROUP

Pase 2: New Accessory Duplex Apartment

95 Charlotte Street — Asheville, NC

A2

4 of 5

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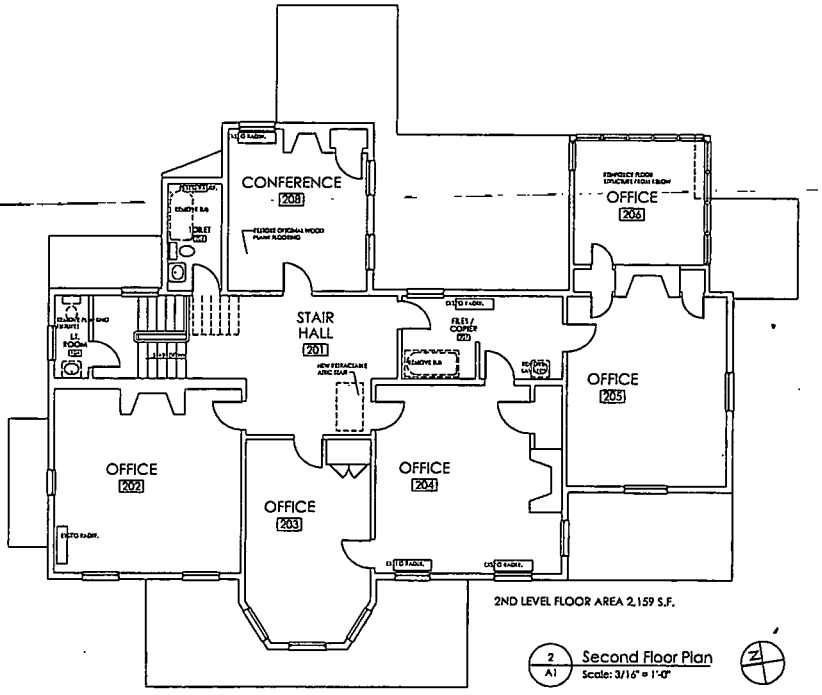
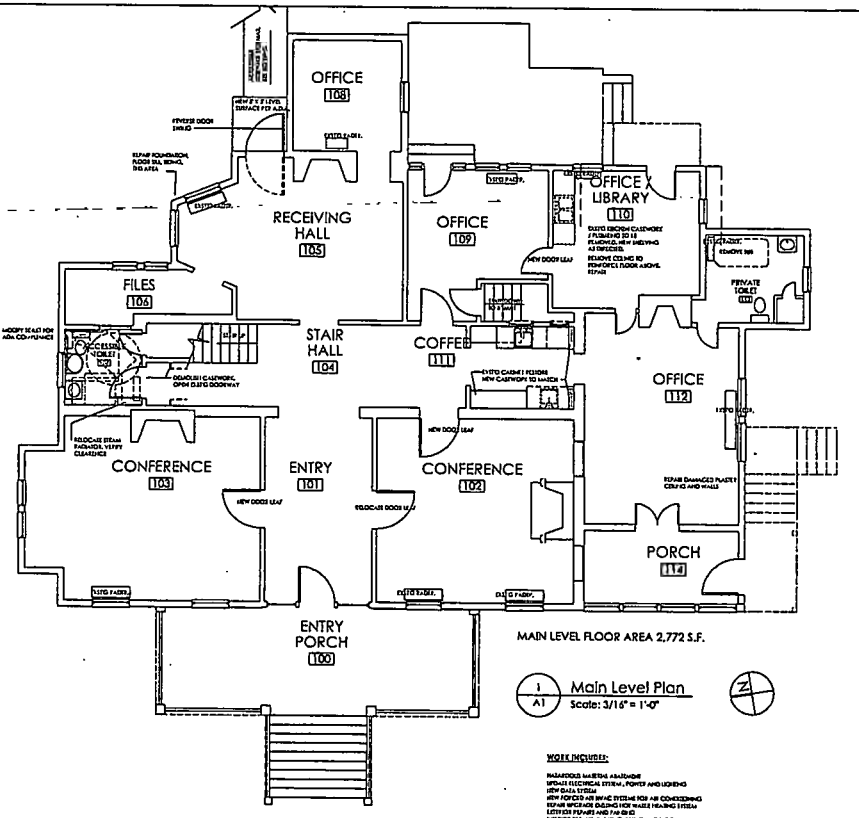


2ND LEVEL FLOOR AREA 2,159 S.F.

2 / A1 Second Floor Plan
Scale: 3/16" = 1'-0"



MAIN LEVEL FLOOR AREA 2,772 S.F.

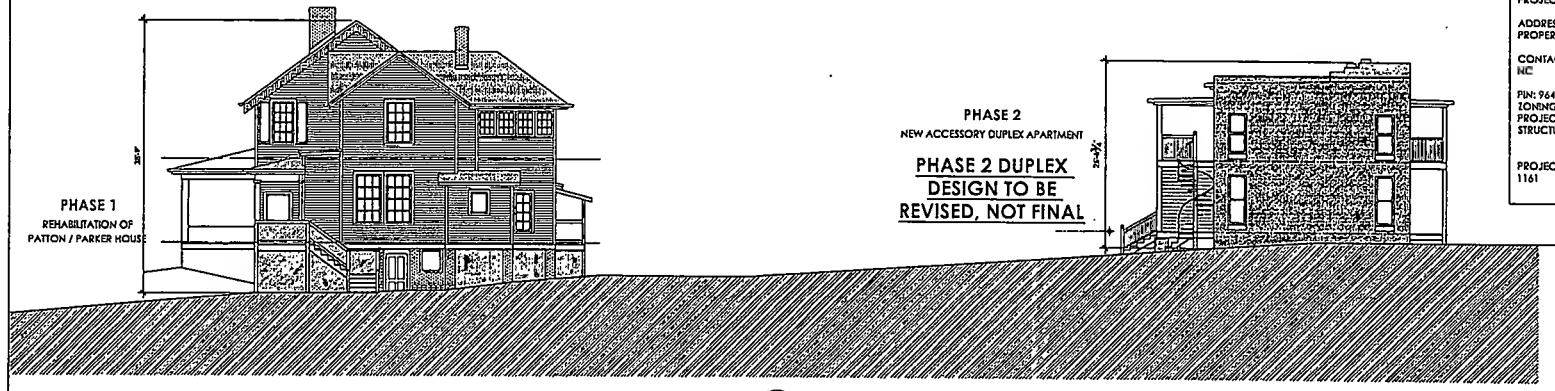
1 / A1 Main Level Plan
Scale: 3/16" = 1'-0"

WORK INCLUDES:

PHASE 1
REHABILITATION OF PATTON / PARKER HOUSE

PHASE 2
NEW ACCESSORY DUPLEX APARTMENT

PHASE 2 DUPLEX DESIGN TO BE REVISED, NOT FINAL



3 / A1 South Elevation
Scale: 1/8" = 1'-0"

PROJECT: REHABILITATION OF PATTON / PARKER HOUSE FOR SIEMENS LAW GROUP
ADDRESS: 95 EAST CHESTNUT STREET, ASHEVILLE, NC 28801
PROPERTY OWNER: 95 CHARLOTTE STREET, LLC under sales contract to SIEMENS REAL ESTATE HOLDINGS, LLC
CONTACT: JIM SIEMENS, ATTORNEY, 202 EAST CHESTNUT ST. ASHEVILLE, NC
28801, TEL. 828-252-5080
PIN: 9649-63-1039
ZONING: RM16
PROJECT PHASE 1: REHABILITATE EXISTING 2 STORY RESIDENTIAL STRUCTURE
for an ATTORNEY'S OFFICE. MAIN FLOOR 2,772 S.F. UPPER FLOOR 2159 SQ. FT.
PROJECT PHASE 2: CONSTRUCT A NEW 2 STORY DUPLEX APARTMENT 1161
S.F. PER STORY. (2 STORIES). HEIGHT 31'-6"

GEORGE STOWE ARCHITECT
184 East Chestnut Street • Asheville, NC 28801
ph 828-251-2357 • fax 828-225-0530
gstowearchitect@bellsouth.net
www.GeorgeStoweArchitect.com

DATE:
07-07-2015
REVISIONS:
REVISED 9-04-2015

REHABILITATION TO PATTON - PARKER HOUSE FOR
SIEMENS LAW GROUP
95 Charlotte Street
Asheville, NC

A1

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595

ORDINANCE NO. 4455

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 40 AND 50 GERBER RD.

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City and is determined to be reasonable and in the public interest as follows:

a) Places density in strategically located area with close and easy access to employment, transportation, goods and services.
b) The Conditional Zoning will provide 202 affordable units will be created for those earning 60% or less of AMI.
c) The Conditional Zoning will provide 60 units for those earning 61-100% of AMI.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

> The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9655.26-3627 and PIN 9655.26-7600 recorded in Deed Book 5021, Page 268, and currently owned by Givens Estate Inc. from Highway Business Conditional Zone district to Highway Business Conditional Zone district (amended). Said rezoning is subject to the conditions set out in Exhibit "B-1" and substantially complies with the site plans shown in Exhibit "C", both attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity

of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 22nd day of September, 2015.

Magdalen Bowleson
City Clerk

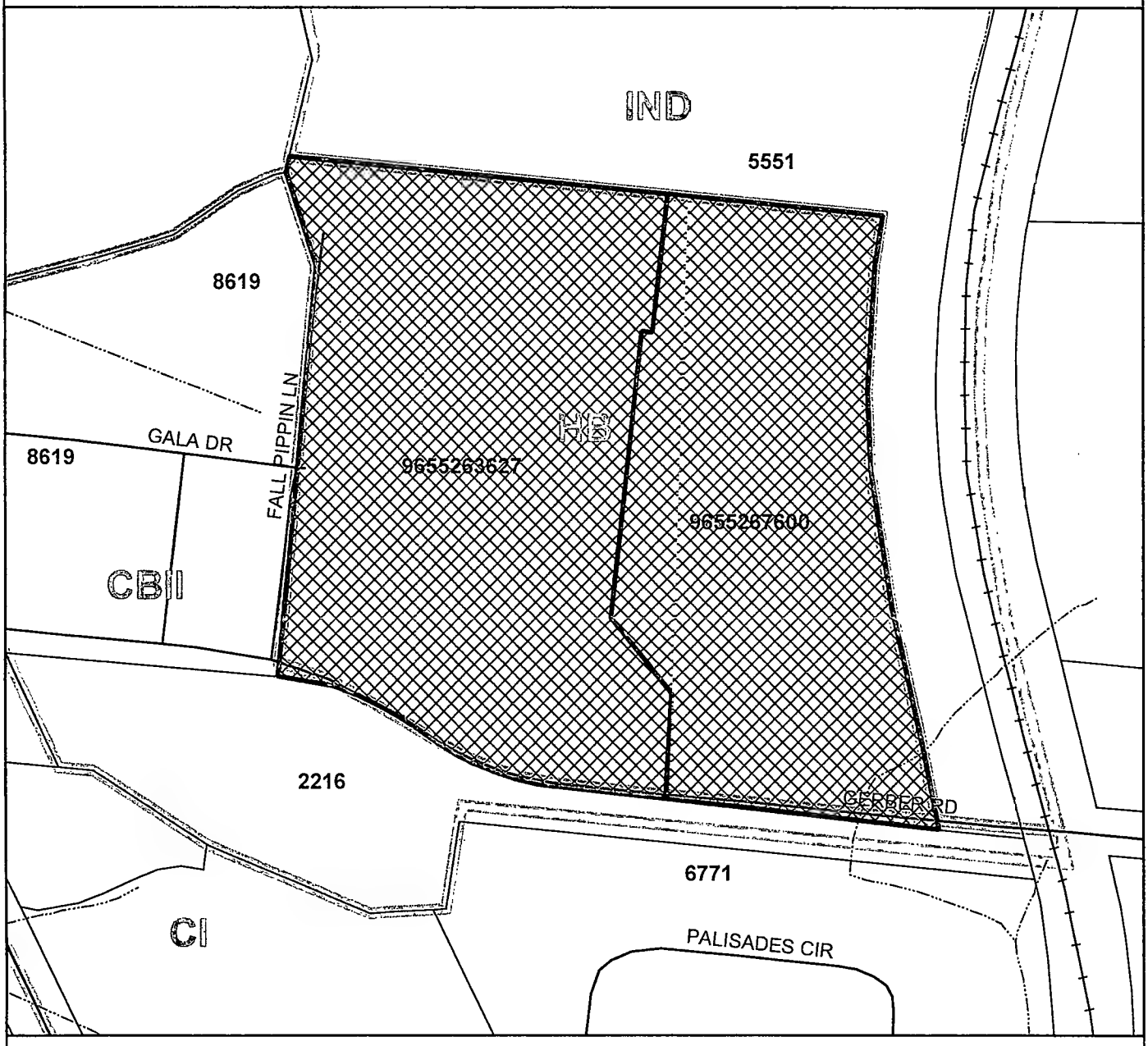
Mayor

Approved as to form:

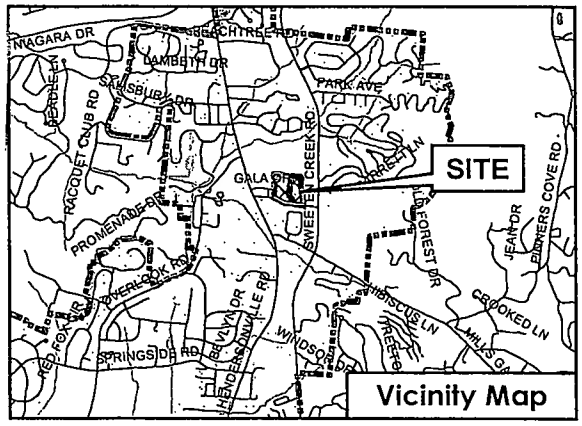
City Attorney

Magdalen Bowleson
City Clerk

City of Asheville - Exhibit A Map
Conditional Zoning - Givens Gerber Park



Project Name:	Givens Gerber Park Apartments
Project Number:	14 - 02904 PZ
Project Description:	260 Multi-Family Units
Petitioner(s):	Givens Estates
Parcel ID Number(s):	9655.26-3627 & 9655.26-7600
Location/Address:	40 Gerber Road



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Development Department - August 2015

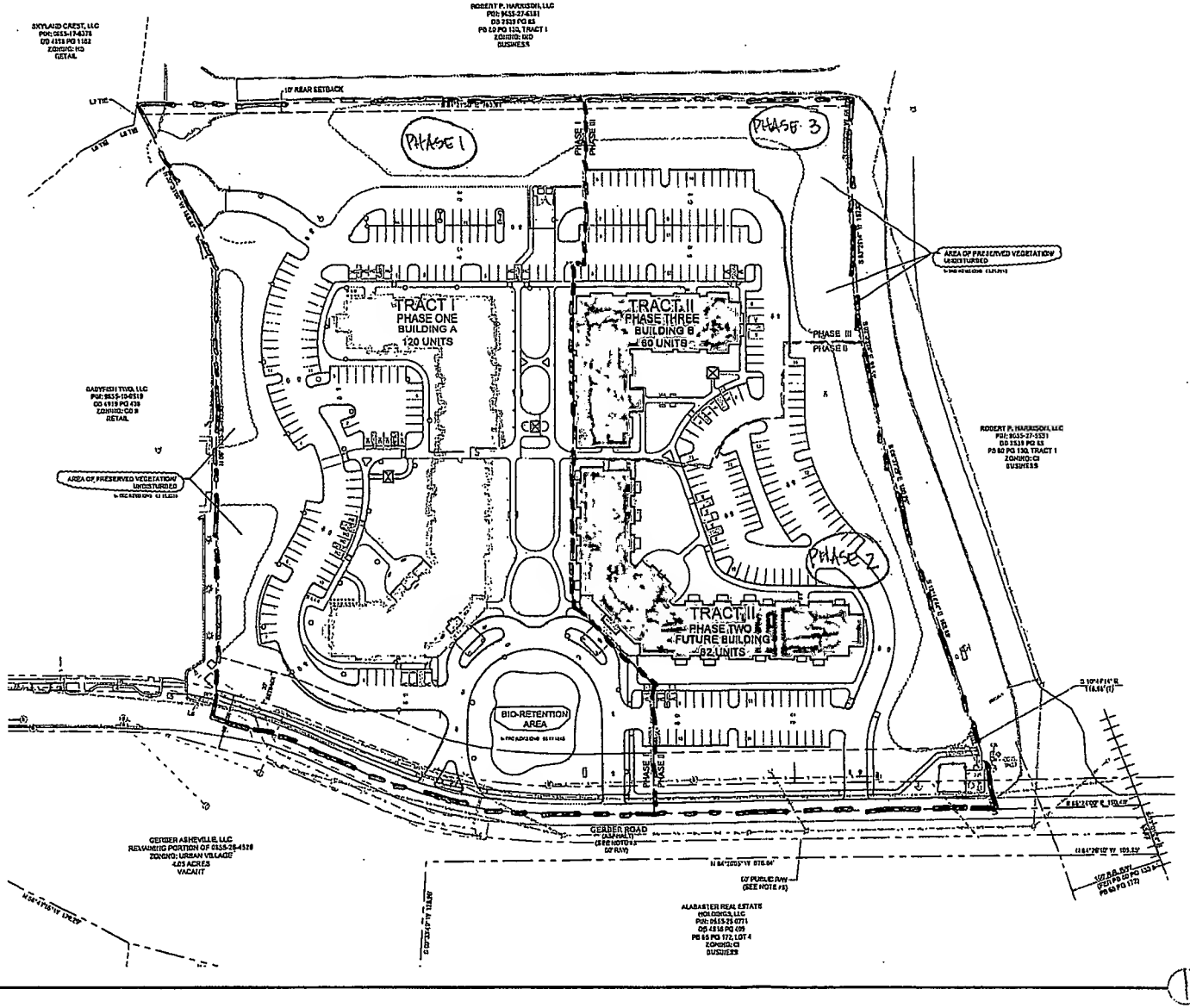
B.1 Conditions List

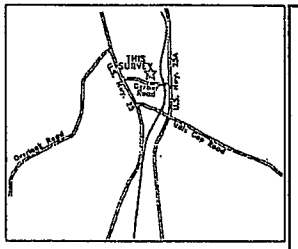
1. The zoning designation for the properties located at 40 & 50 Gerber Rd. (9655.26-3627 & 9655.26-7600) will remain HB-CZ.
2. The site plans show 3 buildings with a total of 262 residential units with open space, tree plantings and other required landscaping. The development will be in substantial compliance with the approved site plan and building elevations, which is incorporated herein.
3. The residential community will not be gated.
4. Affordability within the project shall include 202 units affordable to those earning 60% or less of Area Median Income (AMI). 82 of those units are guaranteed affordable for a minimum of 30 years.
5. The remaining 60 units shall be rented to those earning 61-100% of AMI.
6. Residential density shall be satisfied at 20.5 units per acre.
7. There will be 337 vehicular spaces on site + 18 bicycle parking spaces and final numbers shall fall within the min./max. range based on the total number of bedrooms provided.
8. A minimum of 15% of the site area will be set aside as both active and passive open space.
9. A bio retention feature will be included at the main entrance and connected to a larger stormwater management system.
10. Signage shall be separately permitted and shall meet the standards of the City of Asheville Sign Ordinance (Article XIII of Chapter 7 of the Code of Ordinances).
11. All site lighting must comply with the City's Lighting Standards (Section 7-11-10 of the Code of Ordinances). Proposed lighting plans must be submitted at Final TRC.
12. All landscaping must meet the minimum size requirements set forth in Section 7-11-3(f)(3) of the UDO. All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape and grading plans.
13. The project includes new sidewalks with a minimum width of 5-feet along the entire length of frontage on Gerber Road.
14. All internal roads/drives will be privately maintained.
15. The project will be constructed in substantial conformity with the attached site plan and elevations and subject to all applicable state, federal and local requirements.
16. The project shall comply with all conditions outlined in the TRC staff report as indicted below:
    a) A technical memo updating the Traffic Impact Study will be supplied and all recommendations, if applicable, will be incorporated.
    b) All publicly funded improvements or improvements located in the public right-of-way shall comply with PROWAG.
    c) Signage shall be separately permitted and shall meet the standards of the City of Asheville Sign Ordinance (Article XIII of Chapter 7 of the Code of Ordinances).
    d) All site lighting must comply with the City's Lighting Standards (Section 7-11-10 of the Code of Ordinances). Proposed lighting plans must be submitted at Final TRC.
    e) All landscaping must meet the minimum size requirements set forth in Section 7-11-3(f)(3) of the UDO. All existing vegetation that is to be preserved must be clearly indicated and dimensioned on the site, landscape and grading plans.
    f) The buildings' compliance with the NC State Building Code will be reviewed during the Building Permit application process.
    g) Compliance with environmental protection codes (grading, erosion control, stormwater & flood) will be reviewed during (a) separate application process(es).

h) Identify all jurisdictional streams and their buffers.
i) The developer will need to obtain all right of way and utility cut permits.
j) The develop will need to obtain all necessary encroachment agreements to connect to the City of Asheville's public stormwater system.
k) The developer will need to obtain the necessary driveway permits.

17. The project will undergo final review by the TRC prior to issuance of any permits and compliance with the items listed above will be required at that time.

18. A planning inspection is required prior to obtaining a certificate of occupancy. This inspection should be scheduled through the Development Services inspection line.





VICINITY MAP
NOT TO SCALE

OWNER / CO-DEVELOPER
GIVENS ESTATES, INC.
2150 SWEETEN CREEK RD
ASHEVILLE, NC 28803

DEVELOPER
OPPORTUNITIES SOUTH, LLC
7921 BALLY BUXTON WAY
RALEIGH, NC 27613
CONTACT: DEAN EDWARDS
(O) (919) 917-7301

CONTACT
MATT SPROUSE, PLA
SITEWORK STUDIOS, PLLC
332 DEPOT STREET, SUITE 120
ASHEVILLE, NC 28801
(O) (828) 239-4945
msprouse@siteworkstudios.com

PROJECT ADDRESS:
PINS:
TRACT I: 9635-26-3627
TRACT 2: 9635-26-7500
TOTAL ACREAGE OF DEVELOPMENT : 12.79 AC.
TRACT I: 6.0 AC.
TRACT 2: 6.18 AC.
TRACT 1: 43 GERBER ROAD
ASHEVILLE, NORTH CAROLINA 28803
TRACT 2: 60 GERBER ROAD
ASHEVILLE, NORTH CAROLINA 28803

ZONING:
CURRENT: INDUSTRY DISTRICT 3 - C3
PROPOSED: HIGHWAY BUSINESS - CONDITIONAL ZONING (HIGHWAY 70 PLEASANT)

SETBACKS:
FRONT: 10'
SIDE: NONE
REAR: 10'

ZONING:
CURRENT: INDUSTRY DISTRICT 3 - C3
PROPOSED: HIGHWAY BUSINESS - CONDITIONAL ZONING (HIGHWAY 70 PLEASANT)

PARKING REQUIREMENTS:
TRACT I
MAXIMUM PARKING: 48 - 1.0 SPACE / UNIT
PROPOSED PARKING: 120 (1.0 SPACE / UNIT)
ONE PARKING REQUIRED PROPOSED

TRACT II
MAXIMUM PARKING: 71 - 1.0 SPACE / UNIT
PROPOSED PARKING: 134 (1.0 SPACE / UNIT)
ONE PARKING REQUIRED PROPOSED

BUILDING INFORMATION:
BUILDING A HEIGHT: 2 STORIES
BUILDING A FOOTPRINT: 13,233 SF
BUILDING A GROSS FLOOR AREA: 26,466 SF
NUMBER OF STORIES: 2

BUILDING B HEIGHT: 2 STORIES
BUILDING B FOOTPRINT: 13,233 SF
BUILDING B GROSS FLOOR AREA: 26,466 SF
NUMBER OF STORIES: 2

BUILDING C HEIGHT: 2 STORIES
BUILDING C FOOTPRINT: 11,333 SF
BUILDING C GROSS FLOOR AREA: 22,666 SF
NUMBER OF STORIES: 2

DENSITY CALCULATIONS:
UNITS ALLOWED: 48 (8 UNITS / ACRE)
UNITS PROPOSED:
TRACT I: 120 (13 UNITS / ACRE)
TRACT II: 142 (23 UNITS / ACRE)

UNIT CALCULATIONS:
BUILDING A UNITS
24 - ONE BEDROOM UNITS
96 - TWO BEDROOM UNITS

BUILDING B UNITS
12 - ONE BEDROOM UNITS
48 - TWO BEDROOM UNITS

BUILDING C UNITS
12 - ONE BEDROOM UNITS
48 - TWO BEDROOM UNITS

OPEN SPACE CALCULATIONS:
TRACT I
REQUIRED: 43,124 SF (15% OF LOT AREA)
PROPOSED: 51,418 SF

TRACT II
REQUIRED: 48,311 SF (15% OF LOT AREA)
PROPOSED: 63,124 SF

SITE CALCULATIONS:
GROSS AREA (PHASE 1 AND II): 6.0 ACRES
IMPERVIOUS SURFACE AREA (PHASE 1 AND II): 3.4 ACRES

PHASE INFORMATION:
PHASE ONE IS PROPOSED AS A CONSTRUCTION DOCUMENT.
THIS SITE PLAN WILL BE SUBMITTED AS DETAILED PLANS FOR PHASE ONE.
PHASE TWO WILL BE CONSIDERED CONCEPTUAL UNTIL APPROVED.

SITEWORK STUDIOS
LANDSCAPE ARCHITECTURE
332 Depot Street | Suite 120 | Asheville, NC 28801 | 828.239.4945

GIVENS' GERBER PARK PHASE II & III

PREPARED FOR:
GIVENS ESTATES, INC.
ASHEVILLE, NORTH CAROLINA

REVISIONS

NO.	REMARKS	DATE
1	PRO REVIEWS	01.21.2015

NORTH CAROLINA LICENSED LANDSCAPE ARCHITECT
C-1188
CONSTRUCTION

DATE:
07.22.2015

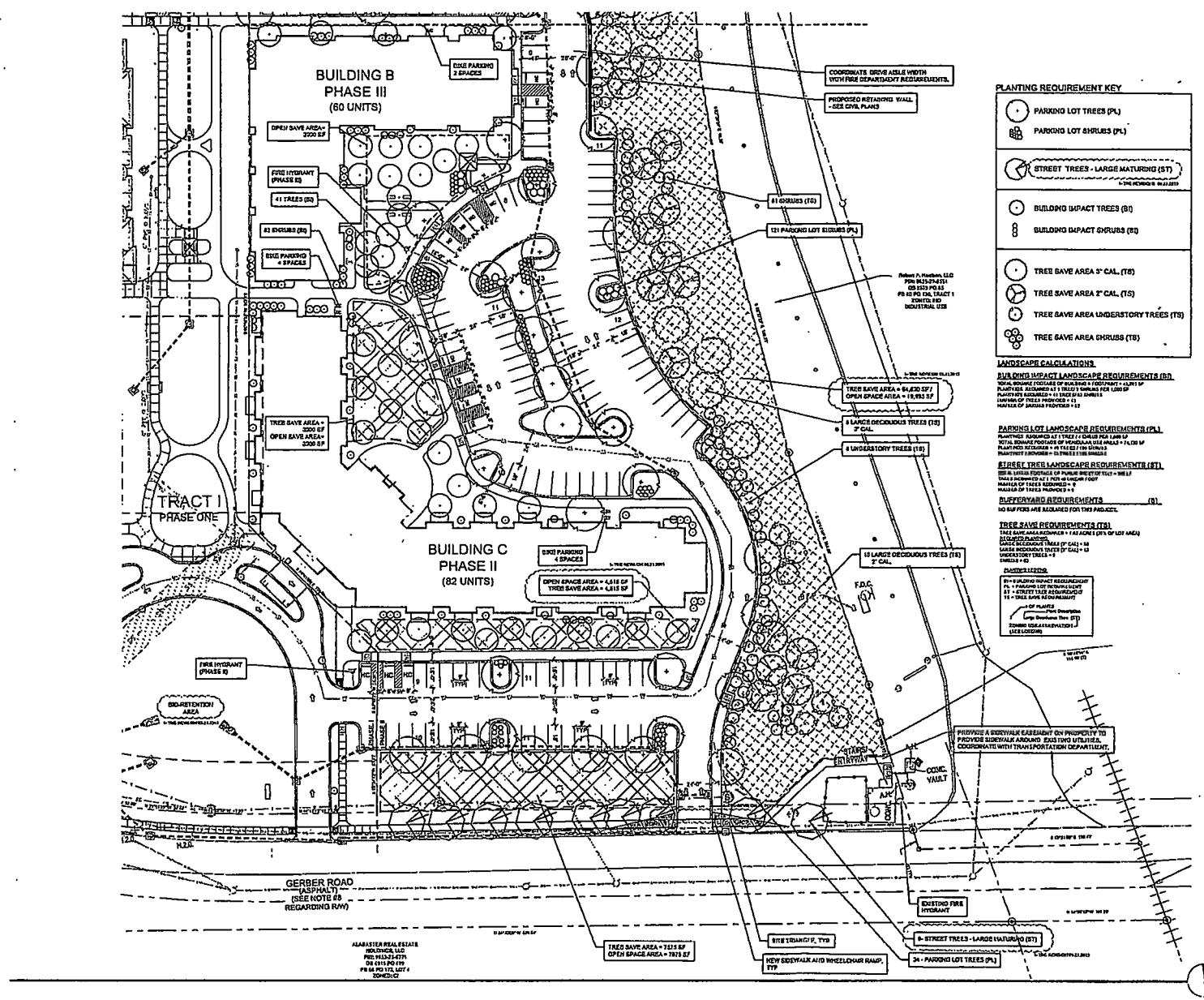
SHEET TITLE:
MASTER PLAN

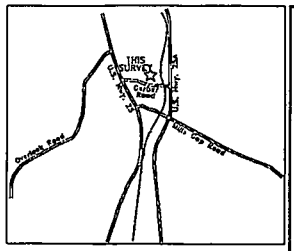
SHEET NO.
L-200

160

City Exhibit 3

1 of 3





VICINITY MAP
NOT TO SCALE

OWNER / CO-DEVELOPER
GIVENS ESTATES, INC.
2360 SWEETEN CREEK RD
ASHEVILLE, NC 28803

DEVELOPER
OPPORTUNITIES SOUTH, LLC
2921 DALLY SUNDOWN WAY
RALEIGH, NC 27613
CONTACT: SEAN EDWARDS
(O) (919) 917-7301

CONTACT
MATT SPROUSE, PLA
SITEWORK STUDIOS, PLLC
352 DEPOT STREET, SUITE 120
ASHEVILLE, NC 28801
(O) (828) 225-1945
msprouse@siteworkstudios.com

PROJECT ADDRESS:
PIN#:
TRACT 1: 9655-20-3627
TRACT 2: 9655-20-7020
TOTAL ACREAGE OF DEVELOPMENT: 13.76 AC.
TRACT 1: 8.8 AC.
TRACT 2: 4.19 AC.
TRACT 1: 40 GERBER ROAD
ASHEVILLE, NORTH CAROLINA 28803
TRACT 2: 50 GERBER ROAD
ASHEVILLE, NORTH CAROLINA 28803

ZONING:
EXISTING ZONING: I-2
PROPOSED ZONING: RM-8-CD CONDITIONAL ZONING (ANCHORED PLANET)

SETBACKS:
FRONT: 15'
SIDE: NONE
REAR: 10'

ZONING:
EXISTING: I-2
PROPOSED: RM-8-CZ
PROPOSED: A GATEWAY BUSINESS CONDITIONAL ZONING
(UNIT MIX, MAX # OF UNITS PER ACRE, ELEVATIONS)

PARKING REQUIREMENTS:
PROPOSED PARKING: 126 SPACES - 11 ADA SPACES
BIKE PARKING REQUIRED (1 SPACE PER 10 UNITS): 13

BUILDING INFORMATION:
UNIT CALCULATIONS:

DENSITY CALCULATION:
OPEN SPACE CALCULATION:

ZONING NOTES:

1. ALL SIGNAGE (IF ANY) EXTERIOR ILLUMINATIONS ARE SUBJECT TO LOCAL AGENCY APPROVALS. ALL SIGNAGE SHALL FACILITATE ADEQUATE MUNICIPAL ACCESSIBILITY AT CROSSWALKS.

2. ANY PLANT MATERIAL NOT LISTED ON THE PLANT LIST SHALL BE APPROVED BY THE CITY OF ASHEVILLE ARBORIST. PLANT SPECIES AND FULL PLANTING PLANS SHALL BE SUBMITTED AT FINAL SITE PLAN STAGE, SPECIES SHALL BE SELECTED FROM CITY OF ASHEVILLE RECOMMENDED PLANT LIST.

3. A LIGHTING PLAN SHALL BE SUBMITTED TO THE CITY OF ASHEVILLE PLANNING DEPARTMENT AS PART OF THE FINAL SUBMITTED PHASE OF DEVELOPMENT. ALL SITE LIGHTING SHALL BE COMPLETELY SHIELDED AND DOWNCAST CUT-OFF FIXTURES AND DIRECTED AWAY FROM SURROUNDING PROPERTIES. A PHOTOMETRIC STUDY SHALL BE APPROVED BY PLANNING STAFF TO ENSURE THAT THE PROPOSED STRUCTURES AND HEIGHTS ENSURE LIGHT WILL NOT SPILL ONTO SURROUNDING NEIGHBORHOODS.

4. ALL PAVEMENT STRIPING SHALL BE THERMOPLASTIC WHITE IN COLOR UNLESS NOTED.

5. LANDSCAPE CONTRACTOR MUST COORDINATE THE LOCATION OF TREE TRUNKS TO AVOID EXISTING AND PROPOSED SIDEWALKS AND RETAINING EMBANKMENTS. NO TREES ARE ALLOWED TO BE PLANTED IN SWM EASEMENTS.

6. DUMPSTERS ARE PROPOSED AT THE LOCATION SHOWN ON PHASE OUT.

sitework STUDIOS
LANDSCAPE ARCHITECTURE
352 Depot Street | Asheville, NC 28801 | 828.225.1945

GIVENS GERBER PARK PHASE II & III

PREPARED FOR:
GIVENS ESTATES, INC.
ASHEVILLE, NORTH CAROLINA

REVISIONS

NO.	REMARKS	DATE
1	TRC REVISIONS	08.21.2015

NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT C-1808 SEAL WORK STUDIES

DATE:
07.22.2015

SHEET TITLE:
CONCEPTUAL LAYOUT AND ZONING COMPLIANCE PLAN

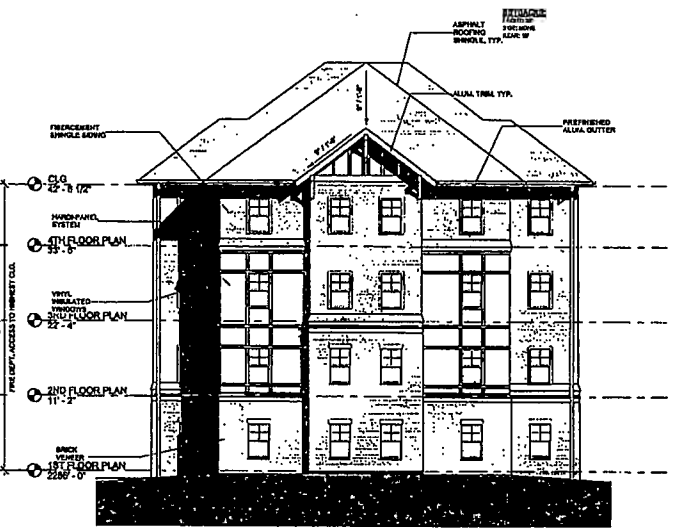
SHEET NO.
L-300

191 of 203

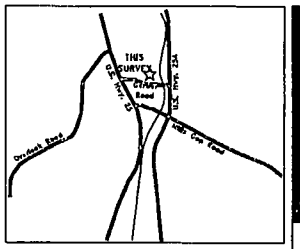
ASPHALT ROOFING SHINGLE, TYP.
ALUM. TRIM, TYP.
FIBERCEMENT SHINGLE SIDING
HARDI-PANEL SYSTEM
PREFINISHED ALUM. GUTTER
PREFINISHED ALUM. DOWNSPOUT
CLG 42' - 8 1/2"
4TH FLOOR PLAN 33' - 6"
3RD FLOOR PLAN 22' - 4"
2ND FLOOR PLAN 11' - 2"
1ST FLOOR PLAN 2286' - 0"
BUILT UP COLUMN
BRICK PIER
METAL RAILING
42' - 7" FIRE DEPT. ACCESS TO HIGHEST O.G.
BRICK

1 WEST ELEVATION
1/8" = 1'-0"

2 EAST ELEVATION
1/8" = 1'-0"


ASPHALT ROOFING SHINGLE, TYP.
ALUM. TRIM, TYP.
FIBERCEMENT SHINGLE SIDING
PREFINISHED ALUM. GUTTER
CLG 42' - 8 1/2"
HARDI-PANEL SYSTEM
4TH FLOOR PLAN 33' - 6"
VINYL INSULATED WINDOWS
3RD FLOOR PLAN 22' - 4"
2ND FLOOR PLAN 11' - 2"
BRICK VENEER
1ST FLOOR PLAN 2286' - 0"
42' - 7" FIRE DEPT. ACCESS TO HIGHEST O.G.

3 ENTRY ELEVATION
1/8" = 1'-0"



VICINITY MAP
NOT TO SCALE

OWNER / CO-DEVELOPER
GIVENS ESTATES, INC.
3340 SWEETEN CREEK RD
ASHEVILLE, NC 28803

DEVELOPER
OPPORTUNITIES SOUTH, LLC
2121 SULLY BUNION WAY
RALEIGH, NC 27613
CONTACT: DEAN EDWARDS
(O) (919) 917-7361

ARCHITECT CONTACT
JEFF GUETTING, AIA
ROWHOUSE ARCHITECTS
1 N PACK SQUARE
ASHEVILLE, NC 28801
(O) (828) 281-2344

PROJECT ADDRESS:
PINS:
TRACT 1: 9616-26-3637
TRACT 2: 9615-36-7620
TOTAL ACREAGE OF DEVELOPMENT : 13.74 AC.
TRACT 1: 6.8 AC.
TRACT 2: 6.14 AC.
TRACT 1: 40 GERBER ROAD
ASHEVILLE, NORTH CAROLINA 28803
TRACT 2: 50 GERBER ROAD
ASHEVILLE, NORTH CAROLINA 28803
ZONING:
EXISTING: NEIGHBORHOOD BUSINESS - CU
PROPOSED: HIGHWAY BUSINESS-CONDITIONAL DISTRICT (HB/CD)

ENTRANCE:

ROWHOUSE ARCHITECTS

GIVENS GERBER PARK - BUILDING B

PREPARED FOR:
GIVENS ESTATES, INC.
ASHEVILLE, NORTH CAROLINA 27613

7/7/2015 3:22:21 PM

REVISIONS		
NO.	REMARKS	DATE

NOT FOR CONSTRUCTION

DATE:
7.22.15

SHEET TITLE:
ELEVATIONS

SHEET NO.
A1

12

2 of 3

ORDINANCE NO. 4456

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 13th day of October, 2015.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: DWI Task Force

Magdalen Burleson
City Clerk

164

City of Asheville

Budget Amendment Details

1. Effective Date: 10/6/2015

2. Fiscal Year: 2013-14

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

4. Requesting Department	5. Today's Date	6. Preparer's Name
Police Dept		

7. Comments/Purpose: DWI Task Force Grant Continuation Year 3

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Restrictd Intergv Fed Grants	$886,492	$409,578	$1,174,404	$287,912
22000122:435000:P1401			$0	
Oper Transfers from General Fd	$40,999	$0	$121,196	$80,197
22000122:483000:P1401			$0	
In-Kind External Participation	$20,701	$5,546	$63,903	$43,202
22000122:511999:P1401			$0	
			$0	
Expenditures:			$0	
Contra Salaries and Wages			$0	
22000122:511999:P1401	$536,317	$287,607	$803,628	$267,311
Awarded Grants			$0	
22000122:527101:P1401	$353,674	$96,439	$454,472	$100,798
In-Kind Services - External			$0	
22000122:521000:P1401	$20,701	$5,546	$63,903	$43,202
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

ORDINANCE NO. 4457

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment forms attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 13th day of October 2015.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: To set up the project budget for the Call a Ride, a Council on Aging program; the Senior Companion, a Land of Sky program; supplemental elderly and disabled transportation assistance, a Buncombe County program; paratransit services, a City of Asheville program, and the City of Asheville's administrative costs.

Magdalen Bowlson
City Clerk

166

City of Asheville

Budget Amendment Details

1. Effective Date:

2. Fiscal Year: 2015-16

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

4. Requesting Department | 5. Today's Date | 6. Preparer's Name

7. Comments/Purpose: Budget amendment to setup the porject budgets for the Enhanced Mobility of Seniors and Individuals with Disabilities Federal grant, section 5310

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Restrictd Intergv Fed Grants			$0	
22000220:43XXXX:T1604	$0	$0	$271,775	$271,775
Transfer from Transit Op Fd			$0	
22090210:498636:T1604	$0	$0	$24,850	$24,850
In-Kind External Participation			$0	
22000220:43XXXX:T1604	$0	$0	$147,674	$147,674
			$0	
Expenditures:			$0	
Temp Salaries			$0	
22000220:511003:T1604	$0	$0	$22,945	$22,945
FICA			$0	
22000220:512001:T1604	$0	$0	$1,755	$1,755
Contracted Services			$0	
22000220:521001:T1604	$0	$0	$124,251	$124,251
Awarded Grants- (BC/CAR/Land of Sky)			$0	
2200220:57XXXX:T1604	$0	$0	$147,674	$147,674
In-Kind Services - External Paricipation (BC/CAR/Land of Sky)			$0	
2200220:521000:T1604	$0	$0	$147,674	$147,674
			$0	
			$0	
Budget Revision:			$0	
Transit operation charges			$0	
65000951:521015	$4,126,505	$3,139,933	$4,101,655	($24,850)
Trf to Grant Fund			$0	
65090950:800220	$0	$0	$24,850	$24,850
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

ORDINANCE NO. 4458

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

WHERE AS, On March 24, 2015, a City of Asheville traffic signal pole was knocked down by a third-party in the Biltmore Village and the City settled the property damage claim for $10,526.40.

WHERE AS, The Transportation Department seeks to utilize the settlement funds to purchase a permanent traffic signal pole.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 13th day of October, 2015.

Magdalen Bowlesson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Approve funds be appropriated in the General Fund for the Transportation Department to purchase of a new traffic signal pole.

Magdalen Bowlesson
City Clerk

168

City of Asheville

Budget Amendment Details

1. Effective Date: 10/13/2015

2. Fiscal Year: 2015-16

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

4. Requesting Department	5. Today's Date	6. Preparer's Name
Finance \ Transportation	9/29/2015	

7. Comments/Purpose:	Budget Amendment to appropriate insurance recovery funds to purchase Traffic Signal Pole

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0.00	
Revenue:			$0.00	
Transfer from Prop & Liab Fund			$0.00	
11090232:498813	$0.00	$0.00	$10,526.40	$10,526.40
			$0.00	
Expenditures:			$0.00	
Contracted Services			$0.00	
11000232:521001	$25,000.00	$25,000.00	$35,526.00	$10,526.00
			$0.00	
			$0.00	
			$0.00	
			$0.00	
			$0.00	
			$0.00	
Budget Revision - Property and Liability Fund:			$0.00	
Expenditures:			$0.00	
Insurance - Claims			$0.00	
81300038:525002	$750,364.00	$683,941.38	$739,837.60	($10,526.40)
Transfer to General Fund			$0.00	
81390038:800110	$0.00	$0.00	$10,526.40	$10,526.40
			$0.00	
			$0.00	
			$0.00	
			$0.00	
			$0.00	
			$0.00	
			$0.00	
			$0.00	
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			$0.00	
			$0.00	
			$0.00	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

ORDINANCE NO. 4459

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 27th day of October, 2015.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Budget amendment to establish a project budget by $67,336.00 to purchase animal health care equipment, small deferred maintenance projects and minor upgrades to exhibits within the Appalachian Station area with an allocation received from the North Carolina Department of Commerce.

Magdalen Burleson
City Clerk

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City of Asheville

Budget Amendment Details

1. Effective Date: 10/27/2015

2. Fiscal Year: 2015-16

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

4. Requesting Department	5. Today's Date	6. Preparer's Name
Parks & Recreation	10/8/2015	

7. Comments/Purpose:

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Restricted Intergv Grant			$0	
22008401:436000:R1604	$0		$67,336	$67,336
			$0	
Expenditures:			$0	
Contracted Services			$0	
22008401:521001:R1604	$0		$34,000	$34,000
			$0	
Materials			$0	
22008401:524101:R1604	$0		$33,336	$33,336
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
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			$0	
			$0	
			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

ORDINANCE NO. 4460

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating and Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 10th day of November, 2015.

Magdalen Burleson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Approve additional FTA grant funds to be added to JARC Pedestrian Signal project.

Magdalen Burleson
City Clerk

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City of Asheville

Budget Amendment Details

1. Effective Date: 11/10/2015

2. Fiscal Year: 2015-16

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

Transportation Department	11/4/2015	
4. Requesting Department	5. Today's Date	6. Preparer's Name

7. Comments/Purpose:	Budget Amendment for Job Access/Reverse Commute (JARC) Pedestrian Signal Grant Funding

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Restricted Intergov Fed Grants			$0	
41002152:435516:T1101	$99,920	$51,703	$147,774	$47,854
			$0	
Expenditures:			$0	
Construction			$0	
41002152:616102:T1101	$77,490	$15,718	$125,344	$47,854
			$0	
			$0	
			$0	
Revenue:			$0	
			$0	
			$0	
			$0	
Expenditures:			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
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			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

ORDINANCE NO. 4461

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 17th day of November, 2015.

Magdalen Bullerson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: This Budget Amendment increases the total project budget for the 200 Bingham Road Capital Project for the construction contract with H&M Constructors.

Magdalen Bullerson
City Clerk

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City of Asheville
Budget Amendment

1. Effective Date: 11/17/2015
2. Fiscal Year: 2015-16

3. Amendment to Operating __ and/or Capital Project _X_ appropriation.

4. Requesting Department	5. Today's Date	6. Department Head Signature
Water Resources	11/17/2015	

7. Comments/Purpose: Increase budget for 200 Bingham Road Capital Project for construction agreement with H&M Constructors.

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
200 Bingham Maint Facility, W0907				
Transfer from Water Oper 05/06				
61100911 - 498610 - W0907	$0	$0.00	$158,045.00	$158,045
Transfer from Water Oper 09/10				
61100911 - 498614 - W0907	$0	$0.00	$965,444.00	$965,444
Transfer from Water Oper 10/11				
61100911 - 498615 - W0907	$0	$0.00	$839,264.00	$839,264
Transfer from Water Oper 11/12				
61100911 - 498616 - W0907	$0	$0.00	$9,785.00	$9,785
Construction				
61100911 - 615101 - W1614	$1,072,966.00	$1,072,966.00	$3,045,504.00	$1,972,538

ORDINANCE NO. 4462

ORDINANCE GRANTING A FRANCHISE TO OPERATE A LOW SPEED VEHICLE SHUTTLE SERVICE WITHIN THE CITY OF ASHEVILLE

WHEREAS, the City of Asheville (herein "City") has the authority pursuant to G.S. 160A-296 to control the use of streets and sidewalks within the city; and

WHEREAS, the City of Asheville has the authority pursuant to G.S. 160A-76 to grant franchises; and

WHEREAS, Land of Sky Shuttle, proposes to operate a low speed vehicle shuttle service on the streets of the City; and

WHEREAS, the City has determined that it is in the public interest to permit the operation of said service on the City's streets, subject to certain terms and conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Land of Sky Shuttle is hereby granted a franchise to operate a low speed vehicle shuttle service on the streets of the City of Asheville subject to the following terms and conditions:

1. Route: The low speed vehicle shuttle service is allowed to operate in the downtown Central Business District (CBD) along state-maintained and city-maintained streets where the posted speed limit is 35 mph or less. The operation of the low speed vehicle shuttle service shall be designed so as to minimize traffic impacts upon the general circulation of vehicular and pedestrian traffic of the City. The low speed vehicle shuttle service shall not load or unload passengers directly from Patton Avenue, College Street, Broadway or Biltmore Avenue unless there is an open parking space or a loading/unloading zone into which the low speed vehicle can safely enter in order to prevent blocking the flow of traffic.

2. Stops and Parking: The low speed vehicle shuttle service stops may not exceed three minutes on any public right-of-way, except as necessary to embark and debark passengers, or with the written permission of the City Traffic Engineer. Loading zones may be used for stops of this limited duration. All service stops shall be made in a way to minimize any possible disruption to the flow of vehicular traffic. It is anticipated that the low speed vehicle shuttle service will secure parking mainly in private lots when longer stops (i.e. waiting for passengers while they are in restaurants) are required.

3. Operating times/frequency: The low speed vehicle shuttle service will operate between the hours of 9:00 am to 3:00 am Monday through Friday and between the hours of 7:00 am and 3:00 am on Saturday and Sunday. The City reserves the right to change these hours at its sole discretion, provided that Land of Sky Shuttle is given a 30-day notice of such change. The low speed vehicle shuttle service is prohibited from operating in any City approved festival or event area where the roadways are blocked except with written permission from the event organizer.

4. Terms of Franchise/Renewal: The term of this Franchise shall be indefinite, subject to the Revocation/Termination provisions of Paragraph 10 of this Ordinance.

5. Insurance: Land of Sky Shuttle shall maintain Commercial General Liability insurance, including coverage for contractual liability, liability from independent contractors, property damage liability, bodily injury liability, and personal injury liability with limits of not less than $1,000,000 per occurrence, and $1,000,000 annual aggregate. The coverage shall be written on an occurrence basis. At all times during the term of this Franchise, Land of Sky Shuttle shall maintain statutory Workers' Compensation insurance in accordance with the laws of North Carolina. Land of Sky Shuttle shall also maintain Employers' Liability insurance with limits of not less than $500,000 per accident and $100,000 each employee for injury by disease. In the event of bodily injury or property damage loss caused by Land of Sky Shuttle negligent acts or omissions in connection with Land of Sky Shuttle services or operations associated with this Agreement, Land of Sky Shuttle Liability insurance shall be primary with respect to any other insurance which may be available to the City, regardless of how the "Other Insurance" provisions may read. Land of Sky Shuttle shall submit copies of all said policies and a certificate of insurance naming the City as an additional insured for the approval of the City's Risk Manager. Approval from the City's Risk Manager shall be obtained prior to beginning any operation in the City of Asheville.

   Land of Sky Shuttle shall submit copies of said insurance policy and a certificate of insurance for approval to the City's Transportation Director prior to starting operations in the City of Asheville.

6. Indemnity: By commencing operation under this Franchise, Land of Sky Shuttle agrees to indemnify and hold harmless the City against any liability for personal injury, property damage or other damage or injury arising from or in connection with any of its 's operations, including operation of the low speed vehicle shuttle service under this Franchise, and its insurance policy shall name the City as an additional insured to this effect.

7. Low Speed Vehicle Equipment/Condition of Vehicle: The low speed vehicle is defined by General Statute 20-4.01(27)h as a four-wheeled electric vehicle whose top speed is greater than 20 mph but less than 25 mph. The low speed vehicle will be licensed and plated by the NC Department of Transportation (Division of Motor Vehicles). Safety features of the vehicle are expected to include headlamps, tail lamps, stop lamps, turn signals, a Type AS-1 or AS-5 glazing windshield with wiper, reflex bumpers, parking brake, rearview mirrors, a horn, and seatbelts. Land of Sky Shuttle is responsible for ensuring that all low speed vehicle equipment is maintained in a safe and operable condition in accordance with applicable laws. The City reserves the right to have the vehicle inspected by the City's taxi inspector, appointed pursuant to city Code Sec. 18-9, and to restrict operation of any vehicles that fail inspection.

8. Standards for Drivers/Conductors: Land of Sky Shuttle shall certify in writing to the City that each driver has a valid North Carolina driver's license, is medically fit to operate the low speed vehicle and has submitted a complete criminal background check. Land of Sky Shuttle shall keep these records on file and will supply this information to the City upon request. Drivers with convictions for crimes of moral

turpitude, driving while impaired, controlled substance offenses and sex offenders are prohibited from operating the low speed vehicle within the City limits.

9. Non-transferability/Amendment: This Franchise shall constitute a certificate of public convenience and necessity for the operation of the low speed vehicle shuttle service. This Franchise is not transferable, except to another entity owned by Land of Sky Shuttle with written agreement from the City, and may not be amended except as provided in G.S. 160A-76 and G.S. 160A-304(b). This Franchise is not exclusive.

10. Revocation/Termination: The City may revoke this Franchise at any time for failure by Land of Sky Shuttle to comply with any of the provisions hereof; provided, that Land of Sky Shuttle shall receive 10 day's notice of said revocation during which time this franchise may only be suspended.

The City may revoke this Franchise for any reason upon 30 days notice to Land of Sky Shuttle. Land of Sky Shuttle shall be entitled to no compensation or payment as a result of the revocation of this franchise for any reason.

Land of Sky Shuttle may cease operations under this Franchise upon 30 days notice to the City.

11. Notice: Any notices required or permitted pursuant to this franchise shall be first class mail or personal delivery to the parties as follows:

If to Land of Sky Shuttle:
Dale Degraffenreid
2 Clearbrook Road
Asheville, NC 28805

If to City:
City Attorney
70 Court Plaza
Asheville, NC 28802

Compliance with the formalities of this section may be waived.

Land of Sky Shuttle shall at all times maintain an office or business location in the City of Asheville, and shall pay all City privilege license fees, and other taxes and fees associated with operation. Land of Sky Shuttle shall designate an individual to be its agent for service of process in accordance with North Carolina law, and shall keep the City advised of any changes in said agent or its address.

12. Franchise Fee: The fee for the operation of this Franchise shall be $1.00 per day for each day of the term of the Franchise, payable in a lump sum on or before the date of operation of service.

13. Temporary Suspension/Modification: This Franchise and any of the terms and conditions thereof, including those relating to route, stops, and scheduling are subject to temporary suspension or modification by the City as necessary for the City to exercise and maintain control over its streets and public ways. The reasons

for such action may include (by way of example and not limitation), the following: (a) closing of streets for repairs; (b) closing of streets for parades and festivals; (c) change in direction of one way streets; (d) changes in parking configuration. Any such action shall be within the City's sole discretion without recourse by Land of Sky Shuttle. The City will endeavor to provide advance notice of such action, but shall not be bound to do so. Suspension or modification expected to be of more than 30 days duration will require amendment to this Ordinance.

14. Compliance with Laws: Land of Sky Shuttle shall comply with all applicable federal, state, and local laws in the operation of its business including, but not limited to, the City of Asheville open container ordinance, and the State of North Carolina Alcoholic Beverage Control (ABC) laws (i.e. NCGS 18B-401; NCGS 20-4.01 (27); NCGS 20-138.7; NCGS 138.2C).It has been determined that because the low speed vehicle will be licensed as a slow-moving vehicle, it does not, per se, conflict with the City's open container ordinance (Section 11-11). However, requirements of this ordinance must still be observed (i.e. passengers cannot leave the vehicle with an open container). Land of Sky Shuttle shall also be responsible for obtaining all necessary licenses and permits including, but not limited to, ABC permits and licenses or permits from the NC Department of Transportation. Land of Sky Shuttle will not allow alcoholic beverages on the low speed vehicles.

Section 2. All ordinances and clauses of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 17th day of November, 2015, on first reading and on the second and final reading the 8th day of December, 2015.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

ORDINANCE NO. 4463

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 17th day of November, 2015

Magdalen Bowleson
City Clerk

Edwin C. Mark
Mayor

Approved as to form:

City Attorney

PURPOSE: (1) To increase the budget for Senior Opportunity Center by $3,800 to purchase program supplies and furniture; and (2) To increase the budget for Harvest House by $3,800 to make improvements and replace equipment, as a result of an allocation from the Senior Center General Purpose Funding from the North Carolina Department of Health and Human Services, Division on Aging and the Land of Sky Regional Council/Area Agency on Aging.

Magdalen Bowleson
City Clerk

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City of Asheville
Budget Amendment

1. Effective Date: 11/17/2015
2. Fiscal Year: 2015/2016

3. Amendment to Operating __X__ and/or Capital Project ____ appropriation.

4. Requesting Department	5. Today's Date	6. Department Head Signature
Parks and Recreation	10/28/2015	

7. Comments/Purpose: Establish budgets due to an appropriation from the State of North Carolina, Department of Health and Human Services, Division on Aging and the Land of Sky Regional Council / Area Agency on Aging, through the Senior Center General F Purpose Funding 2015/2016 for the Senior Opportunity Center and the Harvest House.

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
REVENUE *(Senior Opportunity 2015)*				
Senior General Purpose Funding				
11008324-436000	0.00	$0.00	$3,800.00	$3,800.00
EXPENDITURE *(Senior Opportunity 2015)*				
Supplies - Other				
11008324-524001	0.00	$0.00	$3,800.00	$3,800.00
REVENUE (Harvest House 2015)	0.00	$0.00		
Senior General Purpose Funding				
11008323-436000	0.00	$0.00	$3,800.00	$3,800.00
EXPENDITURE (Harvest House 2015)				
Supplies - Other	0.00	$0.00	$3,800.00	$3,800.00
11008323-524001				

13. Balance of Transaction:

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:
16. Ordinance Number:
17. Date Received in Budget & Research:
18. Date Sent to City Clerk:

19. Date Posted:
By:
Sheet #:

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4464

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 17th day of November, 2015.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: This Budget Amendment combines four capital projects into one for the 2015 Neighborhood Enhancement Area 1 Project.

Magdalen Bourleson
City Clerk

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City of Asheville
Budget Amendment

1. Effective Date: 11/17/2015
2. Fiscal Year: 2015-16

3. Amendment to Operating __ and/or Capital Project _X_ appropriation.

Water Resources | 11/17/2015
4. Requesting Department | 5. Today's Date | 6. Department Head Signature

7. Comments/Purpose: Combine several capital projects into the 2015 Neighborhood Enhancement Project (NEP) Area 1 Projects.

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
2015 NEP Area 1 Projects, W1612				
Oper Transfer Wtr Dept Fund				
61190911 - 498601 - W1612	$140,000.00	$140,000.00	$2,814,500.00	$2,674,500
Professional Services				
61100911 - 521002 - W1612	$0.00	$0.00	$698,780.00	$698,780
Infrastructure				
61100911 - 615101 - W1612	$140,000.00	$140,000.00	$2,115,720.00	$1,975,720
Starnes Cove Road, W1606				
Oper Transfer Wtr Dept Fund				
61190911 - 498601 - W1606	$242,000.00	$242,000.00	$0.00	($242,000)
Infrastructure				
61100911 - 615101 - W1606	$242,000.00	$242,000.00	$0.00	($242,000)
Enka Lake Road, W1511				
Oper Transfer Wtr Dept Fund				
61190911 - 498601 - W1511	$172,500.00	$172,500.00	$0.00	($172,500)
Professional Services				
61100911 - 521002 - W1511	$172,500.00	$172,500.00	$0.00	($172,500)
Gormon Bridge Road, W1409				
Oper Transfer Wtr Dept Fund				
61190911 - 498601 - W1409	$2,260,000.00	$2,260,000.00	$0.00	($2,260,000)
Professional Services				
61100911 - 521002 - W1409	$339,000.00	$339,000.00	$0.00	($339,000)
Infrastructure				
61100911 - 615101 - W1409	$1,921,000.00	$1,921,000.00	$0.00	($1,921,000)
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4465

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 17th day of November, 2015.

Magdalen Bullion
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: This Budget Amendment combines two capital projects into one for the 2015 Neighborhood Enhancement Area 2 Project.

Magdalen Bullion
City Clerk

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City of Asheville
Budget Amendment

1. Effective Date: 11/17/2015
2. Fiscal Year: 2015-16

3. Amendment to Operating __ and/or Capital Project _X_ appropriation.

4. Requesting Department	5. Today's Date	6. Department Head Signature
Water Resources	11/17/2015	

7. Comments/Purpose: Combine two capital projects into the 2015 Neighborhood Enhancement Project (NEP) Area 2 Projects.

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
2015 NEP Area 2 Projects, W1416				
Transfer from Water Oper 13/14				
61190911 - 498618 - W1416	$750,000.00	$750,000.00	$2,400,000.00	$1,650,000
Professional Services				
61100911 - 521002 - W1416	$112,500.00	$112,500.00	$567,100.00	$454,600
Infrastructure				
61100911 - 615101 - W1416	$637,500.00	$637,500.00	$1,832,900.00	$1,195,400
Mount Carmel, W1310				
Transfer from Water Oper 13/14				
61190911 - 498618 - W1310	$1,650,000.00	$1,650,000.00	$0.00	($1,650,000)
Professional Services				
61100911 - 521002 - W1310	$247,500.00	$247,500.00	$0.00	($247,500)
Infrastructure				
61100911 - 615101 - W1310	$1,402,500.00	$1,402,500.00	$0.00	($1,402,500)

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:
16. Ordinance Number:
17. Date Received in Budget & Research:
18. Date Sent to City Clerk:

19. Date Posted:
By:
Sheet #:

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4466

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 17th day of November, 2015.

Magdalen Bullion
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: This Budget Amendment combines two capital projects into one for the 2015 Neighborhood Enhancement Area 3 Project.

Magdalen Bullion
City Clerk

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City of Asheville
Budget Amendment

1. Effective Date: 11/17/2015
2. Fiscal Year: 2015-16

3. Amendment to Operating __ and/or Capital Project _X_ appropriation.

4. Requesting Department	5. Today's Date	6. Department Head Signature
Water Resources	11/17/2015	

7. Comments/Purpose: Combine three capital projects into the 2015 Neighborhood Enhancement Project (NEP) Area 3 Projects.

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
2015 NEP Area 3 Project, W1611				
Oper Transfer Wtr Dept Fund				
61190911 - 498601 - W1611	$542,000.00	$542,000.00	$1,334,500.00	$792,500
Professional Services				
61100911 - 521002 - W1611	$81,300.00	$81,300.00	$672,572.00	$591,272
Infrastructure				
61100911 - 615101 - W1611	$637,500.00	$637,500.00	$838,728.00	$201,228
South Malvern Hills, W1508				
Oper Transfer Wtr Dept Fund				
61190911 - 498601 - W1508	$650,000.00	$650,000.00	$0.00	($650,000)
Professional Services				
61100911 - 521002 - W1508	$97,500.00	$97,500.00	$0.00	($97,500)
Infrastructure				
61100911 - 615101 - W1508	$552,500.00	$552,500.00	$0.00	($552,500)
Beaucatcher Road MP, W1510				
Oper Transfer Wtr Dept Fund				
61190911 - 498601 - W1510	$142,500.00	$142,500.00	$0.00	($142,500)
Professional Services				
61100911 - 521002 - W1510	$142,500.00	$142,500.00	$0.00	($142,500)
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4467

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 17th day of November, 2015.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: This Budget Amendment combines eight capital projects into one for the 2015 Neighborhood Enhancement Area 4 Project.

Magdalen Burleson
City Clerk

188

City of Asheville
Budget Amendment

1. Effective Date: 11/17/2015
2. Fiscal Year: 2015-16

3. Amendment to Operating __ and/or Capital Project X appropriation.

Water Resources | 11/17/2015
4. Requesting Department | 5. Today's Date | 6. Department Head Signature

7. Comments/Purpose: Combine seven capital projects into the 2015 Neighborhood Enhancement Project (NEP) Area 4 Projects.

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
2015 NEP Area 4 Project, W1614				
Oper Transfer Wtr Dept Fund				
61190911 - 498601 - W1614	$536,000.00	$536,000.00	$3,057,000.00	$2,521,000
Professional Services				
61100911 - 521002 - W1614	$80,400.00	$112,500.00	$584,900.00	$504,500
Infrastructure				
61100911 - 615101 - W1614	$455,600.00	$455,600.00	$2,472,100.00	$2,016,500
Conestee Street, W1605				
Oper Transfer Wtr Dept Fund				
61190911 - 498601 - W1605	$121,000.00	$121,000.00	$0.00	($121,000)
Infrastructure				
61100911 - 615101 - W1605	$121,000.00	$121,000.00	$0.00	($121,000)
Dogwood Court (East), W1607				
Oper Transfer Wtr Dept Fund				
61190911 - 498601 - W1607	$105,000.00	$105,000.00	$0.00	($105,000)
Infrastructure				
61100911 - 615101 - W1607	$105,000.00	$105,000.00	$0.00	($105,000)
Piney Mountain Church Road, W1613				
Oper Transfer Wtr Dept Fund				
61190911 - 498601 - W1613	$160,000.00	$160,000.00	$0.00	($160,000)
Infrastructure				
61100911 - 615101 - W1613	$160,000.00	$160,000.00	$0.00	($160,000)
College Street NEP, W1506				
Oper Transfer Wtr Dept Fund				
61190911 - 498601 - W1506	$1,000,000.00	$1,000,000.00	$0.00	($1,000,000)
Professional Services				
61100911 - 521002 - W1506	$150,000.00	$150,000.00	$0.00	($150,000)
Infrastructure				
61100911 - 615101 - W1506	$850,000.00	$850,000.00	$0.00	($850,000)
Willis Way, W1417				
Oper Transfer Wtr Dept Fund				
61190911 - 498601 - W1417	$150,000.00	$150,000.00	$0.00	($150,000)
Professional Services				
61100911 - 521002 - W1417	$22,500.00	$22,500.00	$0.00	($22,500)
Infrastructure				
61100911 - 615101 - W1417	$127,500.00	$127,500.00	$0.00	($127,500)
North Street, W1415				
Oper Transfer Wtr Dept Fund				
61190911 - 498601 - W1415	$360,000.00	$360,000.00	$0.00	($360,000)
Professional Services				
61100911 - 521002 - W1415	$54,000.00	$54,000.00	$0.00	($54,000)
Infrastructure				
61100911 - 615101 - W1415	$306,000.00	$306,000.00	$0.00	($306,000)
Hanover Street, W1410				
Oper Transfer Wtr Dept Fund				
61190911 - 498601 - W1410	$625,000.00	$625,000.00	$0.00	($625,000)
Professional Services				
61100911 - 521002 - W1410	$93,750.00	$93,750.00	$0.00	($93,750)
Infrastructure				
61100911 - 615101 - W1410	$531,250.00	$531,250.00	$0.00	($531,250)
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:
16. Ordinance Number:
17. Date Received in Budget & Research:
18. Date Sent to City Clerk:

19. Date Posted:
By:
Sheet #:

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4468

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 17th day of November, 2015.

Magdalen Bowlson
City Clerk

Edwin E. Hunter
Mayor

Approved as to form:

City Attorney

PURPOSE: To allocate collected and anticipated revenue to the Tower Maintenance Capital Project.

Magdalen Bowlson

190

City of Asheville

Budget Amendment Details

1. Effective Date: 10/12/2015

2. Fiscal Year: 2015-16

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

Information Technology	10/12/2015	Kevin Hymel
4. Requesting Department	5. Today's Date	6. Preparer's Name

7. Comments/Purpose:	Budget Amendment to allocated collected and anticipated revenue to Tower Maintenance Capital Project

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Tower Rent			$0	
41000053-450302-I0903	$173,600	($127,477)	$340,600	$167,000
			$0	
Expenditures:			$0	
Contracted Services			$0	
41000053-521001-I0903	$117,847	($4,615)	$284,847	$167,000
			$0	
			$0	
			$0	
Revenue:			$0	
			$0	
			$0	
			$0	
Expenditures:			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
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			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

ORDINANCE NO. 4469

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made a part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 17th day of November, 2015.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: To allocate collected revenue to the Development Services Technology Fund Capital Project.

Magdalen Bowleson

192

City of Asheville

Budget Amendment Details

1. Effective Date: 10/12/2015

2. Fiscal Year: **2015-16**

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

Information Technology	10/12/2015	Kevin Hymel
4. Requesting Department	5. Today's Date	6. Preparer's Name

7. Comments/Purpose: Budget Amendment to allocated collected revenue to the Development Services Tech Fee Capital Project

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Water Tech Funds			$0	
41000050-443524-I0901	$164,185	($53,678)	$224,185	$60,000
			$0	
Tech Funds				
41000050-450707-I0901	$0	($313,022)	$260,000	$260,000
Expenditures:			$0	
Contracted Services			$0	
41000050-521001-I0901	$501,784	$103	$821,784	$320,000
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

ORDINANCE NO. 4470

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO AMEND THE DEFINITION OF, AND THE DEVELOPMENT STANDARDS FOR, HOMESTAYS.

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, the City of Asheville Unified Development Ordinance (Chapter 7 of the City Code of Ordinances) currently provides allowances for Homestays and the opportunities for such uses should be expanded; and

WHEREAS, Homestays support economic growth; and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City, and is determined to be reasonable and in the public interest for the reasons as follows:

a) Will provide economic opportunity and security to a greater number of Asheville residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Chapter 7 of the Code of Ordinances of the City of Asheville is hereby amended as follows:

a. Amend Sec. 7-2-5 is amended by replacing the existing definition of Homestay with:

Homestay means a private, resident occupied dwelling, with up to two guest rooms where overnight lodging accommodations are provided to transients for compensation and where the use is subordinate and incidental to the main residential use of the building. A homestay is considered a "Lodging" use under this UDO.

b. Amend Sec. 7-8-1(d) by adding the following to the *Table of Uses* under Homestay:

"P" to the NB, NCD, UV and UP zoning districts, and
"S" to the URD zoning district

c. Amend Sec. 7-16-1(c)9 by replacing this section in its entirety with the following

(9) *Homestays.*

a. Use districts: RS-2, RS-4, RS-8, RM-6, RM-8, RM-16, UR

b. No displays of goods, products, services, or other advertising shall be visible from outside of the dwelling.

c. The homestay operation shall be managed and carried on by a full-time resident of the property who shall be present and residing in the home when lodgers are present. Present and residing in the home means the full-time resident shall not be staying overnight outside of the home for reasons such as vacation, visiting with friends or family, or travelling out of town for business or personal reasons. Temporary absences related to normal residential activity such as shopping, working, attending class, etc. are permitted. A minimum of two documents establishing proof of residency shall be supplied from an approved list of documents.

d. No activities other than lodging shall be provided.

e. No additional off-street parking is required for a homestay.

f. Only one homestay shall be permitted per lot/parcel.

g. Homestay permits shall be limited to one per person, at any given time.

h. No signage shall be allowed for homestays.

i. The length of stay of guests shall not exceed 30 days.

j. Exterior lighting shall be residential in nature and shall comply with the lighting requirements in the UDO.

k. The homestay owner or operator shall maintain liability insurance on the property, which covers the homestay use and homestay guests.

l. The homestay owner or operator must pay any applicable taxes, including occupancy and sales taxes, to the appropriate governmental entity.

m. The homestay area of the dwelling shall comply with all current and applicable building codes.

n. The homestay must be reviewed annually and inspected for compliance with this subsection.

o. Subsection 7-16-1(a)(1) shall not apply to homestays. Legally established, but non-conforming properties are eligible for a homestay use.

Section 2: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3: All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4: This ordinance will become effective upon adoption.

Read, approved, and adopted this the 17th day of November, 2015.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson

196

ORDINANCE NO. 4471

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 8th day of December, 2015.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Swannanoa River Flood Mitigation Project

Magdalen Burleson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2015-16

3. Amendment to Operating _x___ and/or Capital/Grant Project ____ appropriation.

Public Works — 12/8/2015
4. Requesting Department — 5. Today's Date — 6. Department Head Signature

7. Comments/Purpose: to budget partnership with the Corp

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Fund Balance				
62400320 499100	$47,558.00	$0.00	$407,558.00	$360,000.00
Expenditures:				
Professional Services				
62400320 521002	$651,085.00	$58,425.00	$1,011,085.00	$360,000.00
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:
16. Ordinance Number:
17. Date Received in Budget & Research:
18. Date Sent to City Clerk:

19. Date Posted:
By:
Sheet #:

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

198

ORDINANCE NO. 4472

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 8th day of December, 2015.

Magdalen Burleson
City Clerk

Edwin E. Mark
Mayor

Approved as to form:

City Attorney

PURPOSE: Approve funds be appropriated in the General Capital Project Fund for the Police Department to purchase of a new vehicle.

Magdalen Burleson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2015-16

3. Amendment to Operating _x___ and/or Capital Project ____ appropriation.

Finance — 4. Requesting Department
12/8/2015 — 5. Today's Date
6. Department Head Signature

7. Comments/Purpose: to budget insurance recovery funds for police vehicle

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
General Capital Project Fund				
Revenue:				
Transfer from Prop/Liab. Fund				
41090122 498813 G1601	$0.00	$0.00	$35,389.71	$35,389.71
Expenditures:				
Mach & Equipment				
41000122 614101 G1601	$1,469,000.00	$500,000.00	$1,504,389.71	$35,389.71
Property/Liability Fund				
Expenditures:				
Claims				
81300038 525002	$739,837.60	$651,515.39	$704,447.89	($35,389.71)
Transfer to General Capital Project Fund				
81390038 800410	$0.00	$0.00	$35,389.71	$35,389.71
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

200

ORDINANCE NO. 4473

ORDINANCE AMENDING CONDITIONAL ZONING (ORDINANCE NO. 4130) FOR PROPERTY LOCATED AT 671 SAND HILL ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, on October 23, 2012 the Asheville City Council adopted Ordinance No. 4130 rezoning the property located at 671 Sand Hill Road (PIN 9626-59-0175) from RM6 (Residential Multi-family Low Density) district to Institutional-CZ district to allow the creation of a school with church activities; and

WHEREAS, the property owner now seeks revisions to the development as approved under Ordinance No. 4130 to expand their school operations on the site by constructing a new classroom building with a multi-purpose room and other related revisions; and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City is determined to be reasonable and in the public interest for the following reasons:

a) Appropriately-scaled non-residential uses that serve residents of neighborhoods are encouraged where impacts can be managed, and;
b) The proposal will bring further investment at an infill location and will improve public infrastructure.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9627-59-0175, and, recorded in Deed Book 5061, Page 281; and currently owned by

Classical Properties, LLC. be amended by adding a new two-story classroom building with a multi-purpose room totaling approximately 8,000 SF and other related revisions subject tc the conditions set out in Exhibit B1 and substantially compliant with the site plan as shown in Exhibit C attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 6. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 8th day of December, 2015.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

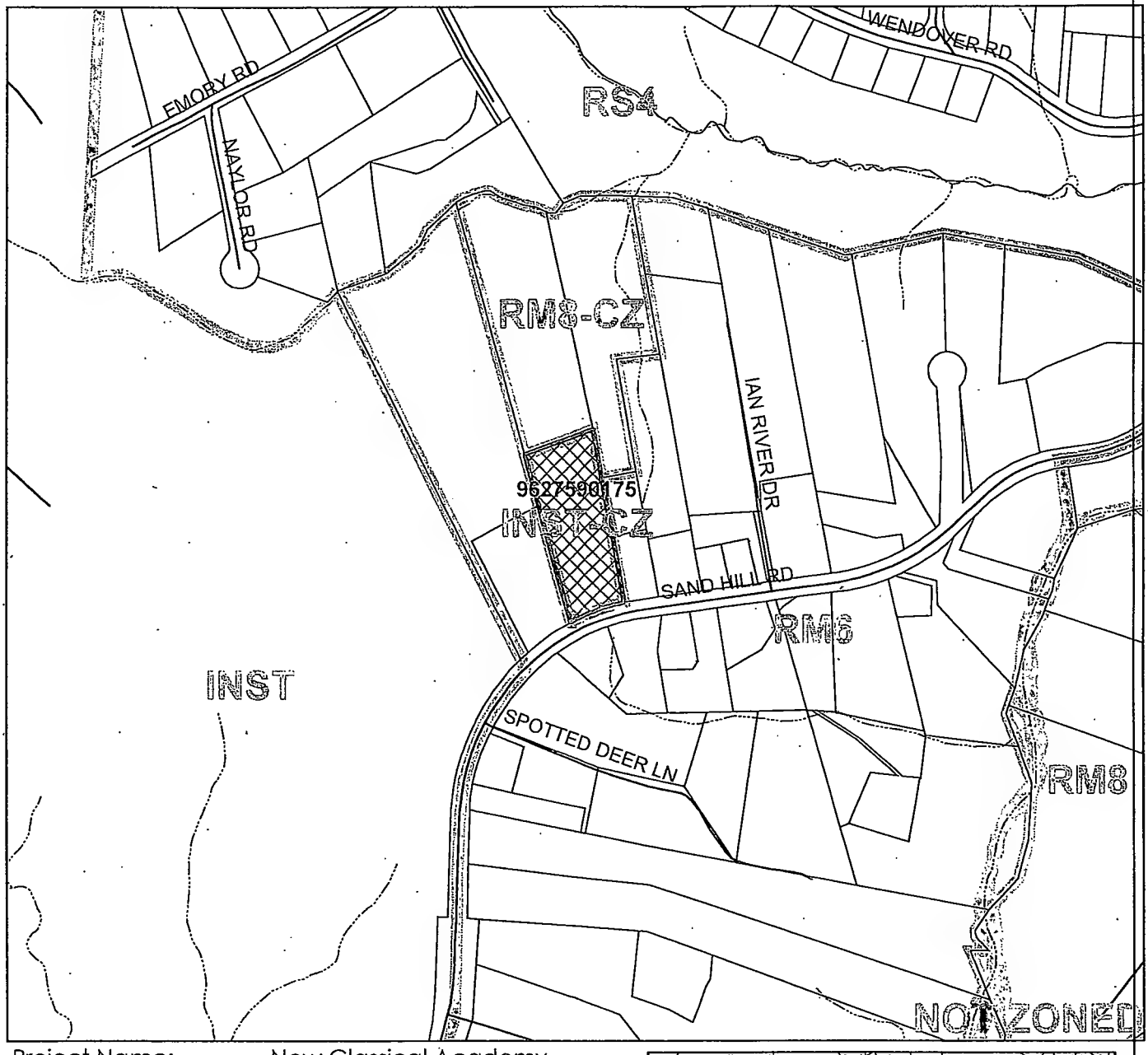
Approved as to form:

City Attorney

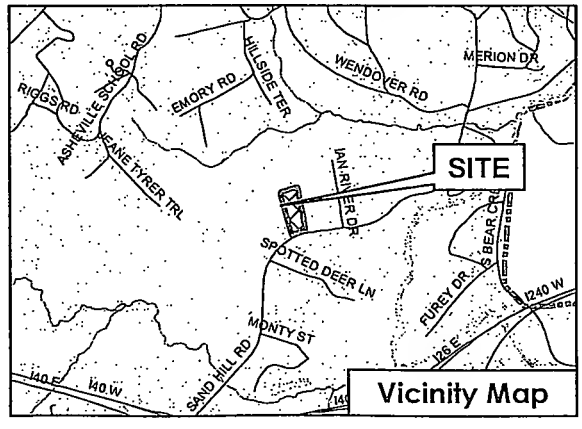
Magdalen Burleson
City Clerk

202

City of Asheville - Exhibit A Map
CZ - New Classical Academy



Project Name:	New Classical Academy
Project Number:	15 - 02456 PZ
Project Description:	8,000 sq. ft. building
Petitioner(s):	Andrew Cross
Parcel ID Number(s):	9627-59-0175
Location/Address:	671 Sand Hill Rd.



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Development Department - October 2015

Draft B 1 Conditions List

1. The zoning designation for the parcel at 671 Sand Hill Road will remain Institutional CZ (INST-CZ).

2. The uses on the site will be a K-8 school and a place of worship. The school will accommodate a maximum of 80 students. Classroom space on the site will not exceed seven rooms with additional multi-purpose space.

3. The site plans show the existing 3,400 square foot building which houses church activities and classrooms and a new two-story 8,000 square foot building which will include classrooms and a multi-purpose space, a parking area, drive aisle and open space.

4. The development must be in substantial compliance with the approved site plan which is attached hereto and incorporated herein as Exhibit C. and will include a minimum of 15% open space provided in the form of a play area at the back of the site. This amended conditional zoning also continues the condition from the 2012 conditional zoning (Ordinance 4130) to modify the property line buffer.

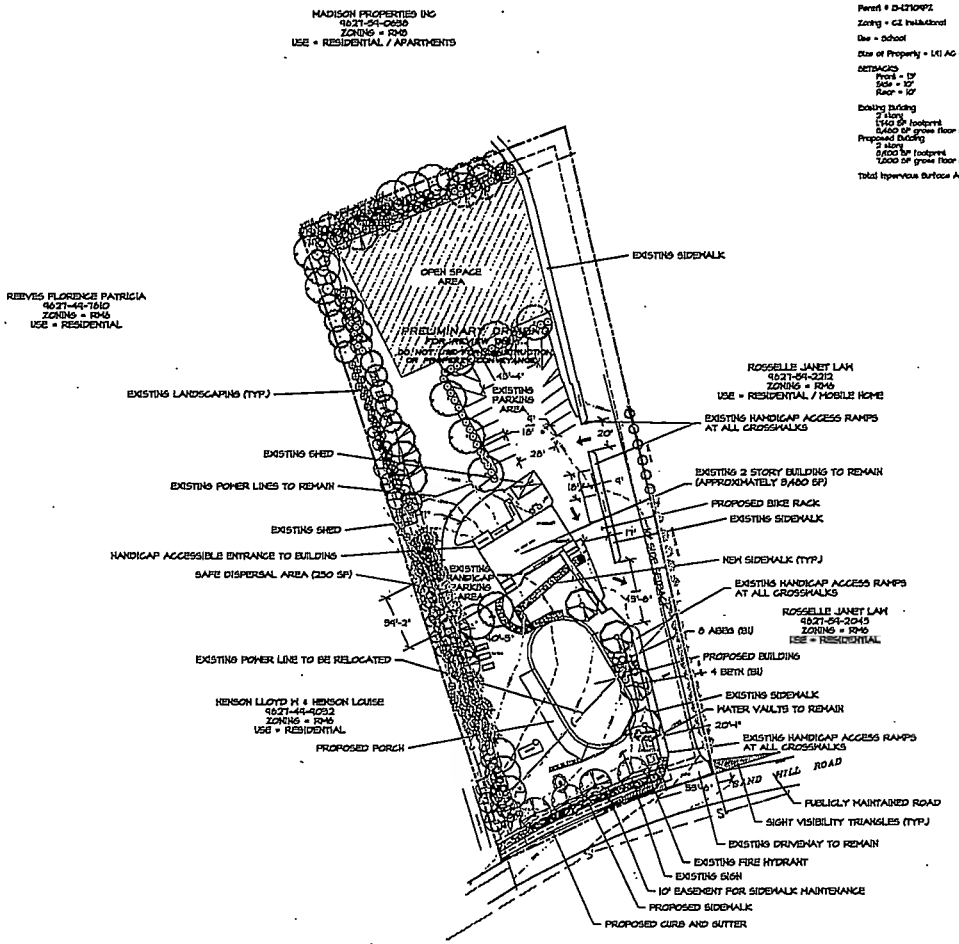
5. Landscaping and buffering will be maintained as provided on the site plan.

6. Parking is approved for a minimum of 19 spaces on site with bike parking located to the side of the building.

7. The applicant shall comply with the Traffic Management Plan submitted with this conditional zoning amendment.

8. A sidewalk will be added along the Sand Hill Road frontage as shown on the site plan.

Exhibit C
pg 1 of 2



PROJECT SUMMARY

PIN NUMBER:
9621-54-0659

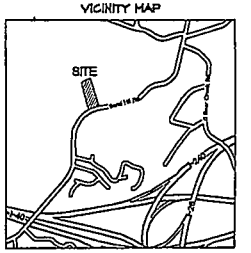
PROJECT ADDRESS:
671 Sand Hill Road
Asheville, NC

PROJECT INFORMATION:
Parcel # 0-4210692
Zoning = GI Institutional
Use = School
Size of Property = 1.41 AC +/-
SETBACKS
Front = 15'
Side = 10'
Rear = 10'
Existing Building
2 story
1,960 SF footprint
3,460 SF gross floor area
Proposed Building
2 story
8,600 SF footprint
7,000 SF gross floor area
Total Impervious Surface Area = 83,666 SF

OWNER / CONTACT:
Montreat Mowers Ministries, Inc.
PO Box 1624
Asheville, NC 28802
CONTACT: Andrea Cross
(828)-278-0148

LANDSCAPE ARCHITECT:
Mr. Clay Mooney
Design Associates
1293 Hendersonville Rd.
Asheville, NC 28803
(828) 277-7410 / 277-7413 fax

VICINITY MAP



OPEN SPACE CALCULATION:

1.41 ACRES X 15% = 0.21 ACRES REQUIRED
21,833 SF OF OPEN SPACE IS PROVIDED
NONE OF THE PROVIDED OPEN SPACE IS GREATER THAN 25% SLOPE
(50% OF OPEN SPACE MUST BE 25% GRADE OR LESS)

PARKING REQUIREMENTS

1 SPACE REQUIRED PER EMPLOYEE
10 EMPLOYEES = 10 SPACES REQUIRED
1 SPACE REQUIRED PER 2 CLASSROOMS
8 CLASSROOMS = 4 SPACE REQUIRED

TOTAL PARKING REQUIRED = 14
TOTAL PARKING PROVIDED = 18

HANDICAP PARKING REQUIRED = 1
HANDICAP PARKING PROVIDED = 1

BICYCLE PARKING REQUIRED = 1
BICYCLE PARKING PROVIDED = 1

PLANTING SUMMARY:

1) BUILDING IMPACT LANDSCAPING
1 TREE & 2 SHRUBS PER 1,000 SF OF BUILDING FOOTPRINT
8,600 SF OF BUILDING FOOTPRINT = 4 TREES & 8 SHRUBS
TREES REQUIRED = 4
TREES PROVIDED = 4
SHRUBS REQUIRED = 8
SHRUBS PROVIDED = 8

PLANT SCHEDULE

KEY	QTY	BOTANICAL NAME / COMMON NAME	CALIPER	HEIGHT	B & B CONTAINER	MATERIAL SPECIFICATIONS
ABFG	8	Abelia grandiflora / Glossy Abelia		18" min. ht.	B&B or min. 3 gallon cont.	4 cont. full plants
BETN	4	Betula nigra / River Birch	2" min. cal.	12'-14' ht.	B&B or cont.	multi-trunked, min. 3 stems

PLANTING LEGEND

BI = BUILDING IMPACT PLANTING

4 ACER (ST) — # OF PLANTS; PLANT KEY (SEE PLANT LIST); ZONING USE ABBREVIATION (SEE LEGEND)

NOTES:

1. THIS PROPERTY IS NOT LOCATED WITHIN A FLOOD HAZARD ZONE
2. DO NOT SCALE FROM DRAWINGS
3. ALL AREAS NOT BUILT OR LANDSCAPED SHALL BE GRASSED
4. FINAL LIGHTING DESIGN SHALL CONFORM TO ALL ASPECTS OF THE CITY OF ASHEVILLE LIGHTING ORDINANCE. ALL FIXTURES TO BE EQUIPPED WITH 90 DEGREE CUT OFF FEATURE AND BE DIRECTED AWAY FROM ADJOINING PROPERTIES AND STREETS

0 20' 40' 80' 120'

SCALE: 1" = 40'

NORTH

1293 Hendersonville Road
Suite 21
Asheville, NC 28803
828-277-7410
Fax:828-277-7413
DESIGN ASSOCIATES
LANDSCAPE ARCHITECTS & LAND PLANNERS

CAMPBELL COUNTY NORTH CAROLINA 399 HOT AIR CONVENTION

New Classical Academy

671 Sand Hill Road
Asheville, NC

Conceptual Site Layout, Materials & Zoning Compliance Plan / Landscape Plan

REVISIONS:

L2

9-23-15

804

DEVELOPMENT DATA BLOCK
A NEW BUILDING ADDITION FOR THE NEW CLASSICAL ACADEMY

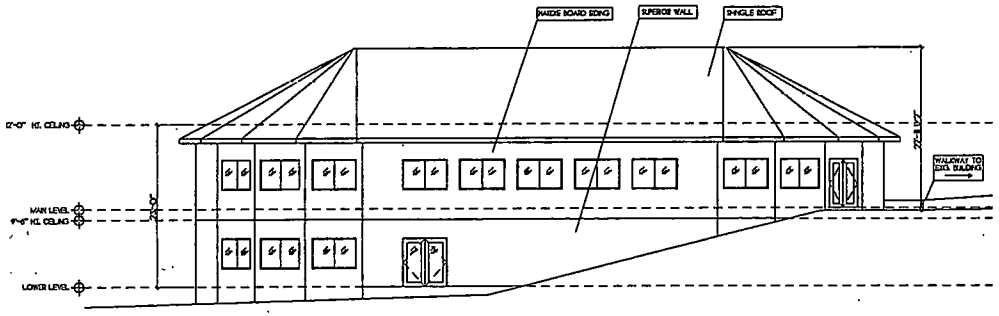
PIN NUMBER:
PIN NUMBER: 9627-59-0175

PROJECT ADDRESS:
671 SANDHILL ROAD
ASHEVILLE, NC

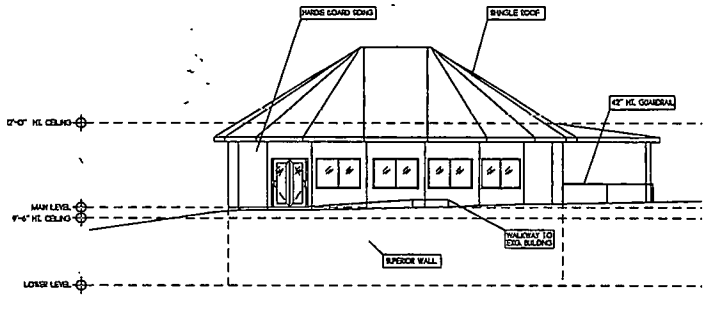
OWNER/CONTACT:
MOUNTAIN MOVERS MINISTRIES, INC.
PO BOX 16129
ASHEVILLE, NC 28816
CONTACT, ANDREW CROSS
(828) 273-1546

PROJECT INFORMATION:
CURRENT ZONING: CZ INSTITUTIONAL

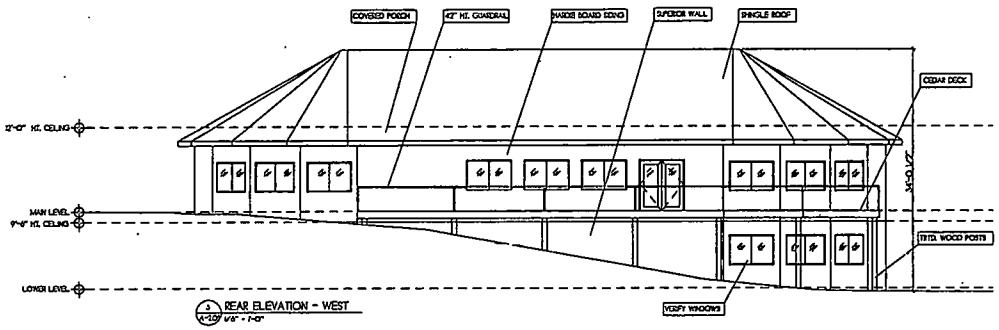
1 EXISTING BUILDING, 2 STORIES, APPROX. 3,480 S.F.
1 PROPOSED BUILDING
2 STORY
FOOTPRINT: 4,856 S.F. (INCLUDES COVERED PORCH)
23'-0" HT. PER UDO
GROSS FLOOR AREA: 8,026 S.F.
ROOF PEAK HT.: 34'-0"



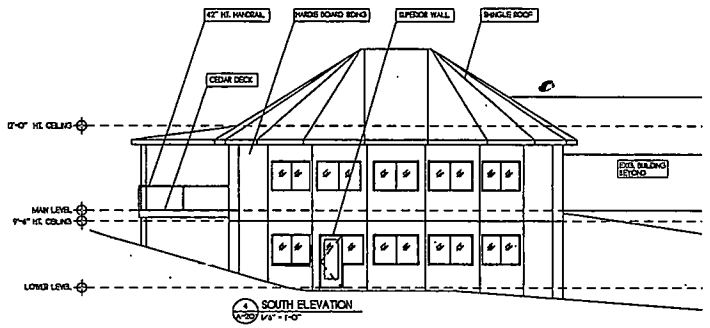
1 FRONT ELEVATION - EAST
A-201 1/8" = 1'-0"



2 NORTH ELEVATION
A-201 1/8" = 1'-0"



3 REAR ELEVATION - WEST
A-201 1/8" = 1'-0"



4 SOUTH ELEVATION
A-201 1/8" = 1'-0"

ARCHITECTURE BY:
RED HOUSE

RED HOUSE ARCHITECTURE
ROBERT TODD, AIA
61 SOUTH FRENCH BROAD AVENUE
UNIT 101
ASHEVILLE, NC 28801
828.350.0005tel
828.231.2851fax
rtstudio@bellsouth.net

© 2015 red house inc.

A NEW BUILDING ADDITION FOR
THE NEW CLASSICAL ACADEMY
671 SANDHILL ROAD
ASHEVILLE, NC

PHASE

REVISIONS
23 SEPTEMBER, 2015

DRAWING
ELEVATIONS

A-201

Exhibit C
pg 2 of 2

205

206

ORDINANCE NO. 4474

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 12th day of January, 2016.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Technical budget amendment in each of the City's annual operating funds to appropriate from restricted fund balance the required budget authorization for prior year contracts, purchase orders, and other carry-over appropriations that rolled forward to FY 2015-16.

Magdalen Burleson
City Clerk

City of Asheville

Budget Amendment Details

1. Effective Date: 1/12/2016

2. Fisca Year: 2015-16

3. Amendment to Operating _x___ and/or Capital Project ___ appropriation.

4. Requesting Department	5. Today's Date	6. Preparer's Name
Finance		

7. Comments/Purpose:	Technical Budget Amendment to appropriate funding for prior year contracts and purchase orders that rolled forward to FY 2015-16.

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Approp Fund Bal Res for Enc				
11000010:499101	$0.00	$0.00	$3,623,397.76	$ 3,623,397.76
Approp Fund Bal Res for Enc				
61000911:499101	$0.00	$0.00	$699,391.53	$ 699,391.53
Approp Fund Bal Res for Enc				
62000220:499101	$0.00	$0.00	$32,728.17	$ 32,728.17
Approp Fund Bal Res for Enc				
62200314:499101	$0.00	$0.00	$218,926.50	$ 218,926.50
Approp Fund Bal Res for Enc				
62400320:499101	$0.00	$0.00	$559,614.35	$ 559,614.35
Approp Fund Bal Res for Enc				
62600900:499101	$0.00	$0.00	$152,544.40	$ 152,544.40
Approp Fund Bal Res for Enc				
65000951:499101	$0.00	$0.00	$135,760.81	$ 135,760.81
Approp Fund Bal Res for Enc				
81100043:499101	$0.00	$0.00	$176,396.41	$ 176,396.41
Approp Fund Bal Res for Enc				
81200037:499101	$0.00	$0.00	$25,940.50	$ 25,940.50
Approp Fund Bal Res for Enc				
23004100:499101	$0.00	$0.00	$842,052.00	$ 842,052.00
Expenditures:				
Various Accouts				
11000010:52XXXX	$0.00	$0.00	$3,623,397.76	$ 3,623,397.76
Various Accouts				
61000911:52XXXX	$0.00	$0.00	$699,391.53	$ 699,391.53
Various Accouts				
62000220:52XXXX	$0.00	$0.00	$32,728.17	$ 32,728.17
Various Accouts				
62200314:52XXXX	$0.00	$0.00	$218,926.50	$ 218,926.50
Various Accouts				
62400320:52XXXX	$0.00	$0.00	$559,614.35	$ 559,614.35
Various Accouts				
62600900:52XXXX	$0.00	$0.00	$152,544.40	$ 152,544.40
Various Accouts				
65000951:52XXXX	$0.00	$0.00	$135,760.81	$ 135,760.81
Various Accouts				
81100043:52XXXX	$0.00	$0.00	$176,396.41	$ 176,396.41
Various Accouts				
81200037:52XXXX	$0.00	$0.00	$25,940.50	$ 25,940.50
Contingency				
23004100:528013	$0.00	$0.00	$842,052.00	$ 842,052.00

13. Balance of Transaction: 0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.

208

ORDINANCE NO. 4475

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 12th day of January, 2016.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Budget amendment to establish the budget with funds received from the Friends of the WNC Nature Center for construction of the front entrance at the WNC Nature Center.

Magdalen Bowleson
City Clerk

City of Asheville

Budget Amendment Details

1. Effective Date: 1/12/2016

2. Fiscal Year: 2015-16

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

4. Requesting Department	5. Today's Date	6. Preparer's Name
PRCA	01/05/216	

7. Comments/Purpose: Budget Amendment for Front Entrance Construction at the Western North Carolina Nature Center

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
			$0	
Friends of Nature Center				
41008401:483302:R1605	$0	$0	$627,000	$627,000
			$0	
Expenditures:			$0	
			$0	
Contracted Services				
41008401:521001:R1605	$0	$0	$627,000	$627,000
			$0	
			$0	
			$0

210

ORDINANCE NO. 4476

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT ONE WEST PACK SQUARE AND 11 PATTON AVENUE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City and is determined to be reasonable and in the public interest for the following reasons:

a) The proposal provides adaptive reuse and reinvestment in an older downtown building; and
b) The project will enhance the skyline of downtown Asheville in compliance with downtown design standards; and
c) Public infrastructure will be enhanced through new wider sidewalks and other streetscape improvements.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PINs 9649.40-2414 and 9649.40-1422 and recorded in Deed Book 5160, Page 1146 and currently owned by MHG Tower, LLC, from Central Business District (CBD) to Central Business District Conditional Zone (CBD CZ) A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1" and substantially complies with the site plans shown in Exhibit "C", both attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 12th day of January, 2016.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

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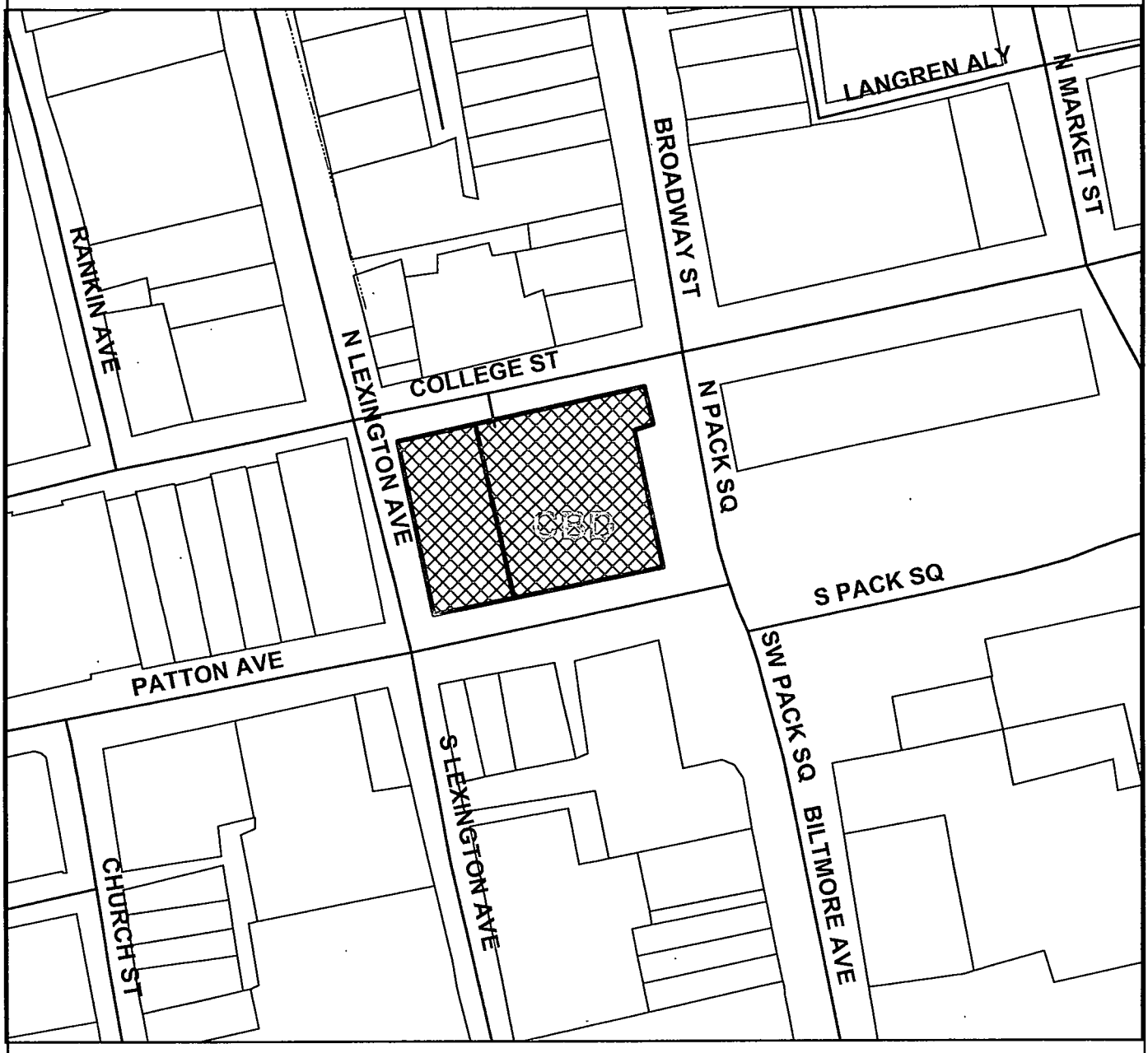
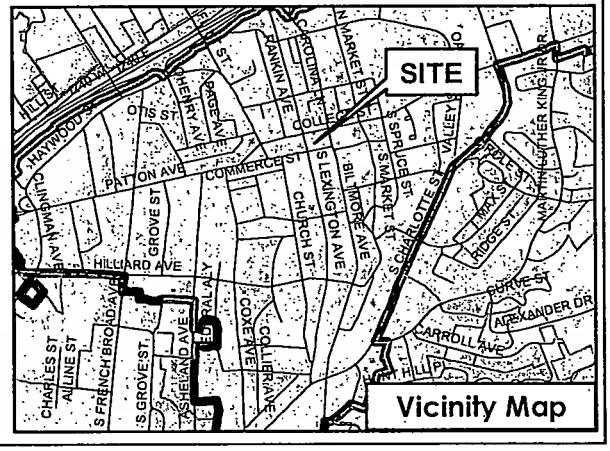
City of Asheville - Exhibit A Map
Level III CZ- One West Tower at Pack Sq



Project Name: Level III CZ-1 W. Tower at Pack Sq
Project Number: 15-13608PZ
Project Description: Building Renovations
Petitioner(s): MHG, LLC
Parcel ID Number(s): 9649-40-1422 and 9649-40-2414

Location/Address: One West Pack Square

Project Site
Parcels
Central Business District
Asheville City Limits
Streets
Streams



City of Asheville Planning and Urban Design Department - August 2015

B 1 Conditions

One West Tower at Pack Square

1. The property will be known as 7 Patton Avenue and is zoned Central Business District Conditional Zone (CBD CZ). The property was formerly known as One West Pack Square and 11 Patton Avenue.

2. The building, design, construction, materials, and orientation on the site must be in substantial compliance with the Site Plan and Elevations, which are attached hereto and are incorporated herein by reference as Exhibit C. Any major deviations from the Site Plan and Elevations will require an amendment to this conditional zoning approval.

3. The existing building, which has a total square footage of 200,900 square feet, will be renovated with a new façade finish for the exterior of the building. On the west side of the property there will be a three-level parking structure totaling 35,300 square feet which contains a total of 60 parking spaces, bicycle parking and a guest arrival and departure area.

4. The permitted uses on the site are as follows:

a. 39 residential units and a hotel with 140 rooms. The respective hotel room count and the residential unit count can, however, be modified without further review in the following way: should the number of hotel rooms diminish by approximately 20 rooms (or the equivalent of one floor) then the number of residential units could increase by as many as seven units.

b. Commercial uses including, but not limited to, restaurants and retail.

c. Offices, meeting spaces and other similar uses with similar impacts.

5. The sidewalks surrounding the property shall be constructed as proposed in the Site Plan and as described below:

a. **North Pack Square** – The plaza space is reconfigured to expand the sidewalk space at the corner of Patton Avenue and N. Pack Square. This section includes wide sidewalk areas of varying widths from a minimum of 12 feet up to a maximum of 24 feet, with a transition for stairs and a retaining wall to the upper side of the public space and the front of the building. Five trees are located along this streetscape section. Crosswalks are provided at intersections.

b. **College Street** - The sidewalk is widened to eight feet for the section adjacent to the existing building and 10 feet adjacent to the new parking structure. Five street trees are placed along this streetscape. Access for a loading zone and a driveway connects to the mid-level of the parking structure. A stairway connects the top of the parking structure to the College Street sidewalk. Crosswalks are provided at intersections.

c. **N. Lexington Avenue** - The sidewalk is widened to 11 feet and four street trees are located on this streetscape. A driveway connects to the lower level of the parking structure. At the corner of N. Lexington and Patton Avenues a niche space is provided within the corner of the parking structure and will be programmed by the owner for art, interpretation or performance space. Crosswalks are provided at intersections.

d. **Patton Avenue** - The sidewalk is widened to at least 12 feet with a significant portion near the corner with N. Lexington Avenue widened to 16 feet in a space that will include two tree plantings. Three additional trees will be added to the streetscape along this frontage. A driveway connects along this side to the upper level of the parking structure and provides the main entrance to the hotel. Crosswalks are provided at intersections.

6. Transit related conditions:

a. The developer/owner shall provide and install two signs poles within the right of way: 1) along Patton Avenue (at North Pack Square) eastbound on the south side of the street; and 2) along N. Pack Square (at College Street) north bound. The design of the sign poles will be determined and approved by the Transportation Department.

b. The developer/owner shall provide and install a bus shelter along the bus route within the public right of way at N. Pack Square along the east side of the street with the location and design as approved by the Transportation Department.

7. Transportation related conditions:

a. The developer/owner shall construct a signal pole base located at N. Lexington Avenue near the corner of Patton Avenue with the final location as determined by the Transportation Department. The Transportation Department will provide engineered drawings for the base, which must be followed in design and construction. The developer/owner will provide an easement to the City for access to and maintenance of the signal pole base.

b. The developer/owner shall construct a pedestrian pole base to be placed at the back of the sidewalk located at College Street near the corner with N. Lexington Avenue using specifications provided by the Transportation Department. The developer/owner will also relocate the existing signal box at the same corner to an area at the back of the sidewalk area. The developer/owner will provide an easement to the City for access to and maintenance of the pedestrian pole base and the signal box.

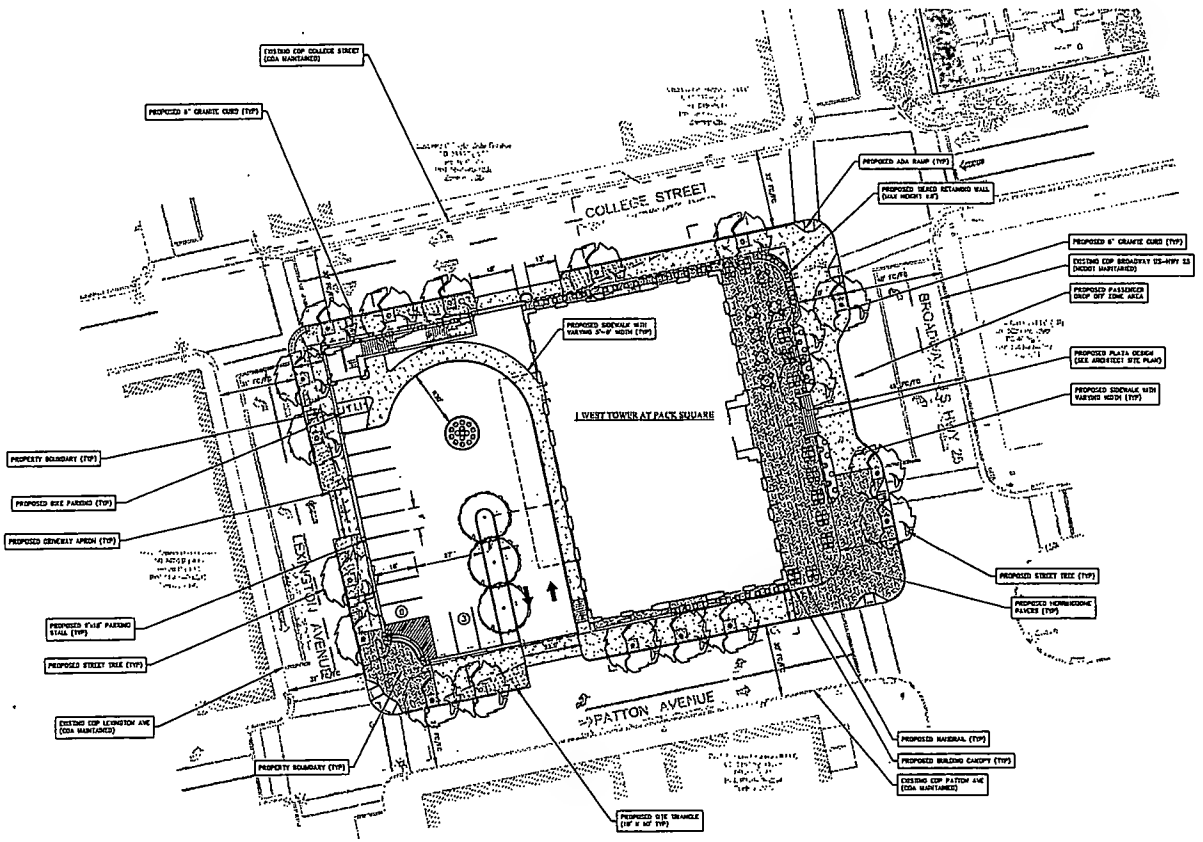
8. The fenestration for the ground floor of the building on the east side must be at least 60 %.

9. The developer/owner will provide a minimum of 60 off-site parking spaces for the hotel's use at a location approved by the City. The applicant/owner shall demonstrate a legal right to use these off-site spaces.

10. The loading /unloading area on N. Pack Square shall be available for public use.

11. The developer/owner will provide a fire command room with exterior access, which meets the requirements of the North Carolina Fire Code.

12. The developer/owner will provide an easement to the City for access to and maintenance of sidewalks in the project area as required.


COLLEGE STREET
BROADWAY
PATTON AVENUE
LEXINGTON AVENUE
1 WEST TOWER AT PACK SQUARE
(EXISTING COP COLLEGE STREET (CDA MAINTAINED)
PROPOSED 6" GRANITE CURB (TYP)
PROPERTY BOUNDARY (TYP)
PROPOSED BIKE PARKING (TYP)
PROPOSED CONCRETE APRON (TYP)
PROPOSED 9'x18' PARKING STALL (TYP)
PROPOSED STREET TREE (TYP)
EXISTING COP LEXINGTON AVE (CDA MAINTAINED)
PROPERTY BOUNDARY (TYP)
PROPOSED SITE TRIANGLE (10' x 70' TYP)
PROPOSED RAILROAD (TYP)
PROPOSED BUILDING CANOPY (TYP)
EXISTING COP PATTON AVE (CDA MAINTAINED)
PROPOSED STREET TREE (TYP)
PROPOSED HORNSDOME PAVERS (TYP)
PROPOSED SIDEWALK WITH VARYING WIDTH (TYP)
PROPOSED PLAZA DESIGN (SEE ARCHITECT SITE PLAN)
PROPOSED PASSENGER DROP OFF ZONE AREA
EXISTING COP BROADWAY US-HWY 25 (NCDOT MAINTAINED)
PROPOSED 6" GRANITE CURB (TYP)
PROPOSED ADA RAMP (TYP)
PROPOSED TIERED RETAINING WALL (MAX HEIGHT 6'-0")
PROPOSED SIDEWALK WITH VARYING 0'-9" WIDTH (TYP)

LEGEND

PROPOSED CONCRETE DECK

PROPOSED SIDEWALK

PROPOSED BRICK PAVER

VICINITY MAP

(NOT TO SCALE)

DEVELOPMENT DATA

OWNER/DEVELOPER: [illegible]
401 WASHINGTON STREET SE, STE 200
GAINESVILLE, GA 30501
[illegible]
(770) 534-3381

CONTACT:

ARCHITECT: REESE VANDERBILT ARCHITECTURE, P.C.
600 EMBASSY ROW, SUITE 200
ATLANTA, GEORGIA 30328
KEVIN VANDERBILT, AIA
(404) 879-2001

CIVIL ENGINEER: CIVIL DESIGN CONCEPTS, P.A.
168 PATTON AVENUE
ASHEVILLE, NORTH CAROLINA 28801
ANDY CAMPBELL P.E.
(828) 253-5388

SURVEYOR: ED MCHONEY AND ASSOCIATES, PA
950 RIDGEFIELD COURT, SUITE 213
ASHEVILLE, NC 28806
ED MCHONEY, P.L.S.
(828) 252-4321

PROJECT DATA

PIN: 9648-10-1472; 9648-10-2414

PROJECT LOCATION: 1 WEST PACK SQUARE
ASHEVILLE, NC 28801

DEED BOOK/PAGE: Deed Book 1341 Page 710
Deed Book 1348 Page 251

ZONING: CBD - CENTRAL BUSINESS DISTRICT

TOTAL AREA: 1 W. PACK SQUARE 0.324 AC
11 PATTON AVE 0.563 AC
0.887 AC

SETBACKS
FRONT: 0'
SIDE: 0'
REAR: 0'

DISTURBED AREA: 0.87 AC

PARKING PROVIDED: 60 SPACES
(2 HANDICAPPED)

BICYCLE PARKING PROVIDED: 6 SPACES

BUILDING INFORMATION: HEIGHT: 217'-6" TOTAL FLOORS: 19

TOTAL GROSS SQUARE FOOTAGE:

EXISTING TOWER: 303,743 SF
NEW PARKING GARAGE: 33,282 SF

IMPERVIOUS AREA: PRE = 23,814 SF (92%)
POST = 22,437 SF (87%)

PLANTING SUMMARY:

STREET TREE CALCULATIONS

REQUIREMENT: 1 LARGE MATURING TREE PER EVERY 40 LINEAR FEET OF PROPERTY ADJOINING STREET

STREET FRONTAGE:	
COLLEGE STREET	200 LF
LEXINGTON AVE	140 LF
PATTON AVE	183 LF
NORTH PACK/BROADWAY	153 LF
TREES REQUIRED	16 TREES
TREES PROVIDED	19 TREES

811 Know what's below. Call before you dig.

NORTH

CONCEPTUAL SITE & LANDSCAPE PLAN

GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft.

REESE·VANDERBILT ARCHITECTURE, P.C.
6600 PEACHTREE DUNWOODY RD.
600 EMBASSY ROW
SUITE 200
ATLANTA, GEORGIA 30328
T. 404.879.2001
www.reesevanderbilt.com
Copyright 2015

MCKIBBON HOTEL GROUP

McKibbon Hotel Group

ONE WEST TOWER at PACK SQUARE

ASHEVILLE
NORTH CAROLINA

NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT
PRELIMINARY
FOR REVIEW ONLY

#	CONCEPT PLAN SUBMITTAL	SHEET
1	CITY COUNCIL SUBMITTAL	C2.01

CDC CIVIL DESIGN CONCEPTS, PA

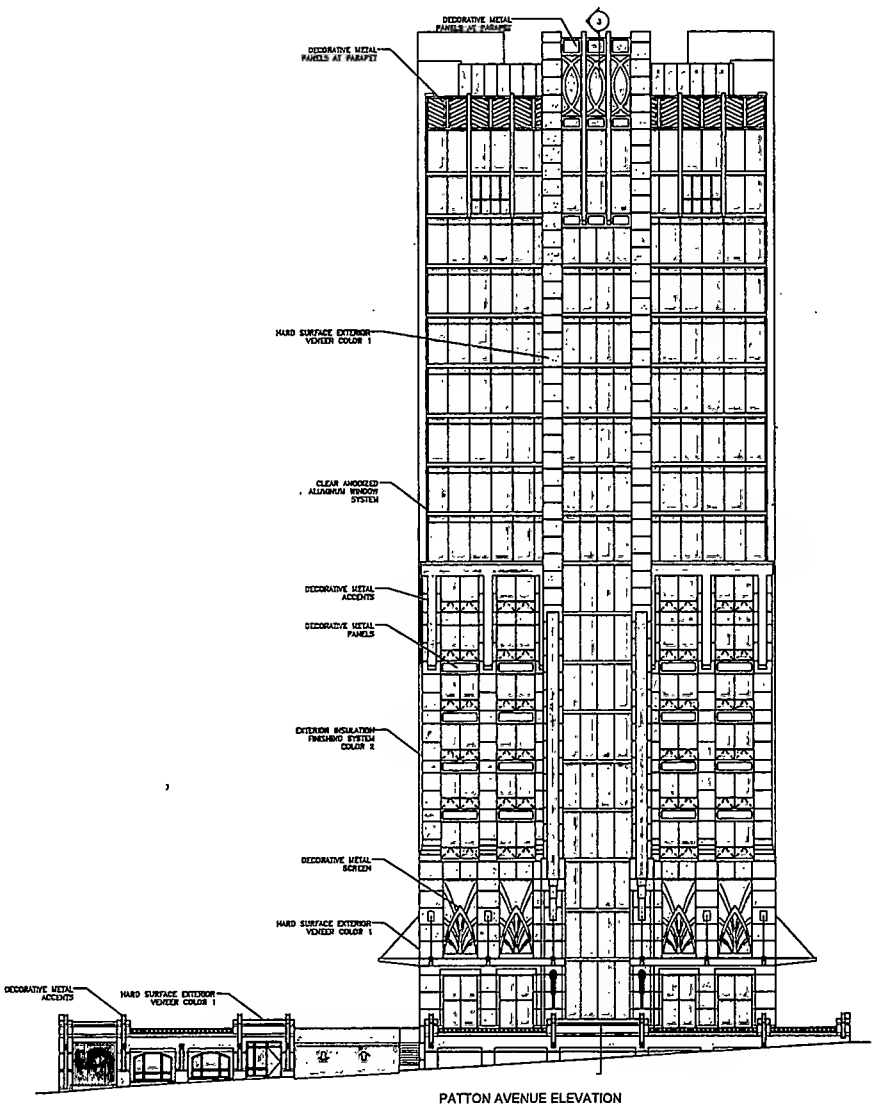
DATE	DECEMBER 18, 2015
DRAWN BY	AAS
CDC JOB #	PETE

C201

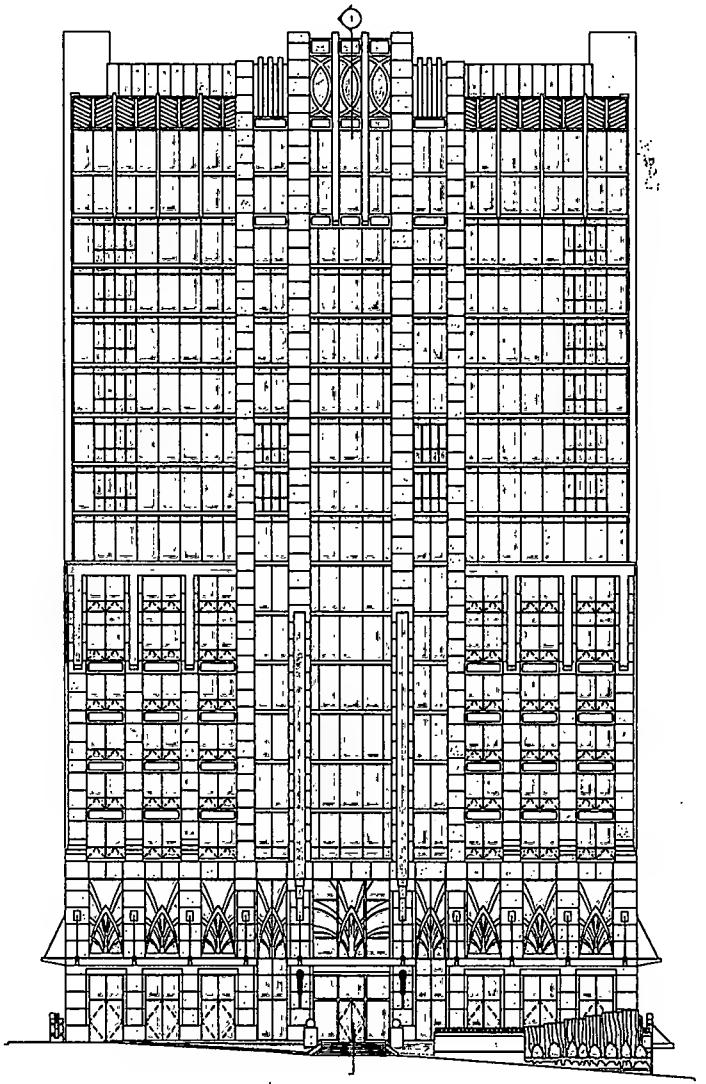
NOT FOR CONSTRUCTION

216

Exhibit C page 1063


DECORATIVE METAL PANELS AT PARAPET
DECORATIVE METAL PANELS AT PARAPET
HARD SURFACE EXTERIOR VENEER COLOR 1
CLEAR ANODIZED ALUMINUM WINDOW SYSTEM
DECORATIVE METAL ACCENTS
DECORATIVE METAL PANELS
EXTERIOR INSULATION FINISHING SYSTEM COLOR 2
DECORATIVE METAL SCREEN
HARD SURFACE EXTERIOR VENEER COLOR 1
DECORATIVE METAL ACCENTS
HARD SURFACE EXTERIOR VENEER COLOR 1

PATTON AVENUE ELEVATION



PACK SQUARE ELEVATION

ONE WEST TOWER AT PACK SQUARE

TRIBUTE PORTFOLIO | RVA REGER-VANDERBILT | MHG TOWER, LLC

Exhibit C - pg 2 of 3
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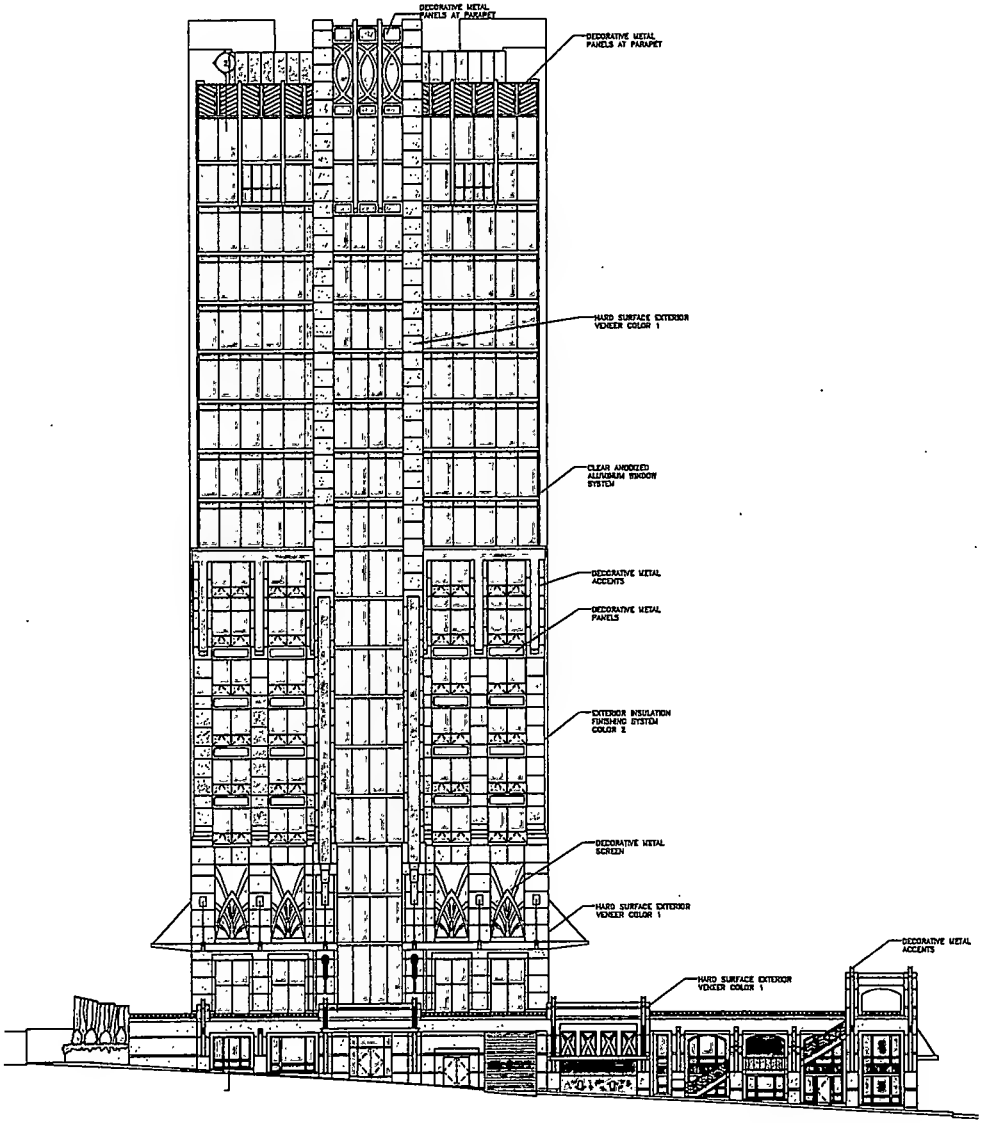
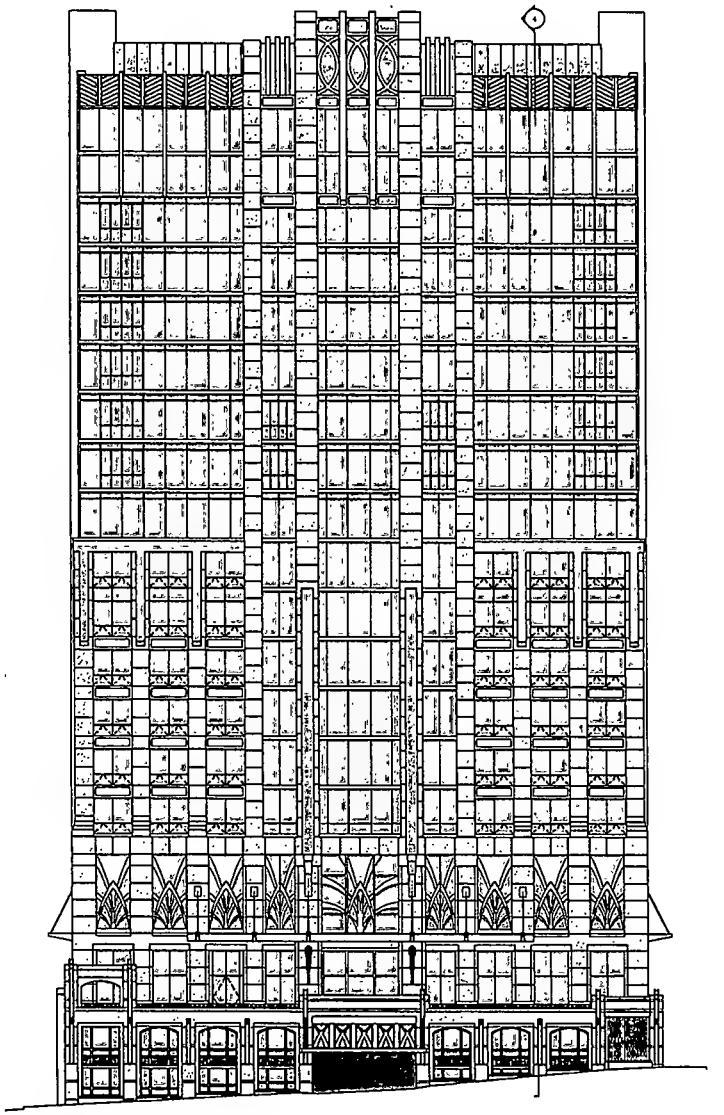

DECORATIVE METAL PANELS AT PARAPET
DECORATIVE METAL PANELS AT PARAPET
HARD SURFACE EXTERIOR VENEER COLOR 1
CLEAR ANODIZED ALUMINUM WINDOW SYSTEM
DECORATIVE METAL ACCENTS
DECORATIVE METAL PANELS
EXTERIOR INSULATION FINISHING SYSTEM COLOR 2
DECORATIVE METAL SCREEN
HARD SURFACE EXTERIOR VENEER COLOR 1
DECORATIVE METAL ACCENTS
HARD SURFACE EXTERIOR VENEER COLOR 1

COLLEGE STREET ELEVATION



LEXINGTON AVENUE ELEVATION

ONE WEST TOWER AT PACK SQUARE

TRIBUTE PORTFOLIO | RVA REESE-VANDERBILT | MHG TOWER, LLC

Exhibit C pg 3 of 3

ORDINANCE NO. 4477

AN ORDINANCE AMENDING ARTICLE II, DIVISION 1, SECTIONS 24 AND 25 OF APPENDIX C OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

Section 1: That Article II, Division I, Section 25 (b) of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Thirty miles per hour, City system) be amended to remove:

Caledonia Road between Biltmore Avenue and Swannanoa River Road

Section 2: That Article II, Division I, Section 24 (b) of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Twenty Five miles per hour, City system) be amended to include:

Caledonia Road from Biltmore Avenue to Swannanoa River Road

Crowell Farms Drive from West Oakview Road to West Pointe Drive

Hampton Street from Caribou Road to Brooklyn Road

Sherwood Road from Forest Hill Drive to the End of City Maintenance

Section 3: That all Ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed.

Section 4: That this Ordinance shall be in full force and effect upon adoption by the City of Asheville and the erection of signs giving notice of the authorized speed limit.

Read, approved and adopted this 26th day of January, 2016.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

220

ORDINANCE NO. 4478

ORDINANCE AMENDING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 329 ROCKWOOD RD.

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City and is determined to be reasonable and in the public interest for the following reasons:

1) Provides appropriately-scaled commercial infill development where there is existing infrastructure;
2) Supports the growth of the Asheville Regional Airport consistent with the general aviation and commercial air traffic demands as well as the operational needs of the Airport; and
3) Supports an economic development and community investment opportunity.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PINs 9643.75-1885 and recorded in Deed Book 4709, Page 1646-7 and currently owned by PMHB LLC, be amended by increasing the size and number of rooms in the hotel to 71,367 total square feet and 108 rooms and other related revisions subject to the conditions set out in Exhibit B.1 and substantially complies with the site plans shown in Exhibit C, both attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 26th day of January, 2016.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

329 Rockwood Rd. – Hyatt Place

Exhibit B.1 – Conditions List

1. The zoning for the site is Highway Business – Conditional Zone (HB-CZ)

2. The proposed plan is an amendment to a substantially similar site plan approved on October 22, 2013 (Ord. No. 4242) with increases to the footprint, building square footage and number of rooms.

3. The project hotel building is a 7-story building with 71,367 total square feet supporting 108 hotel rooms, lobby and amenity areas.

4. Required landscaping includes requirements for street trees, parking lot, building impact, retaining wall and dumpster screening.

5. The project will provide a minimum of 13,068 square feet of open space, or pay fee in lieu of open space.

6. Building height shall not exceed 82'-8".

7. 95 parking spaces shall be provided, including four handicap accessible spaces. Five Bicycle parking spaces shall also be provided.

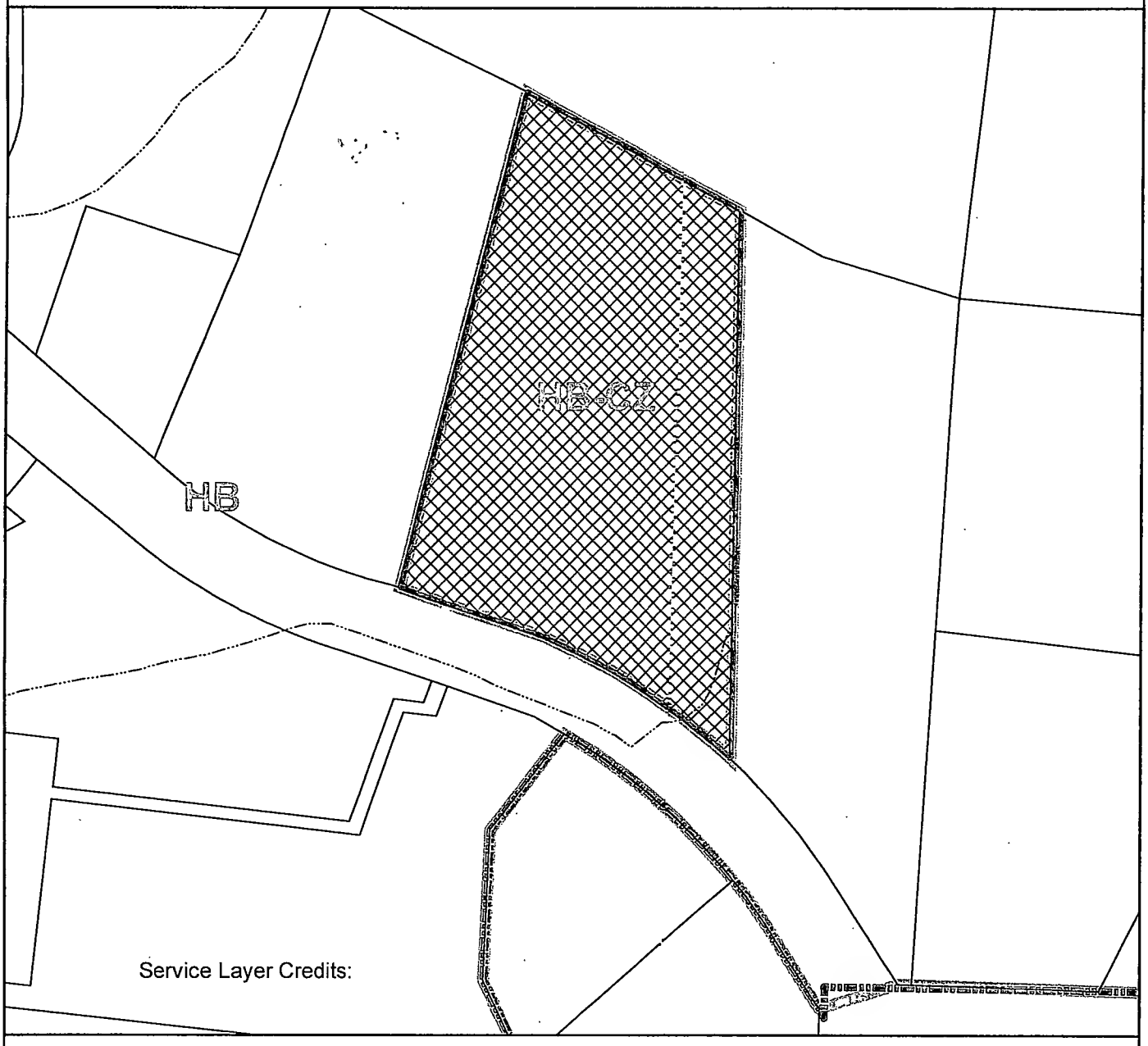
8. Any legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.

9. A determination of "No Hazard to Air Navigation" from the Federal Aviation Administration must be obtained prior to the release of any construction permits.

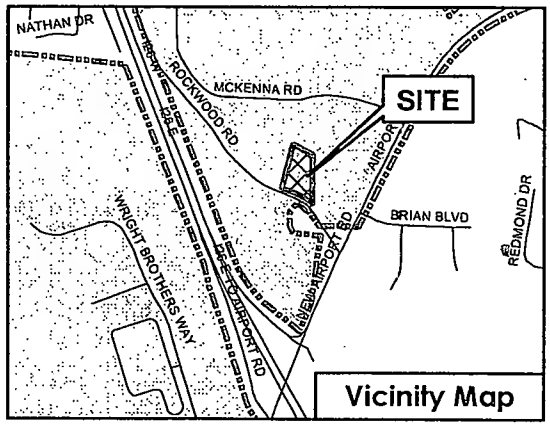
10. The conditional zoning approved on October 22, 2013, to which this is an amendment, remains in full force and effect except as amended hereto.

11. The building design, construction materials, and orientation on site must substantially comply with the site plan (attached hereto) and incorporated by reference. Any major deviations from these plans will require a modification to this CZ.

City of Asheville - Exhibit A Map
CZ Amendment - Hyatt Place



Project Name:	Hyatt Place - Rockwood Rd.
Project Number:	CZ Amendment - 15-15467 PZ
Project Description:	New construction - Hotel
Petitioner(s):	PMHB, LLC
Parcel ID Number(s):	9643-75-1885
Location/Address:	329 Rockwood Rd.

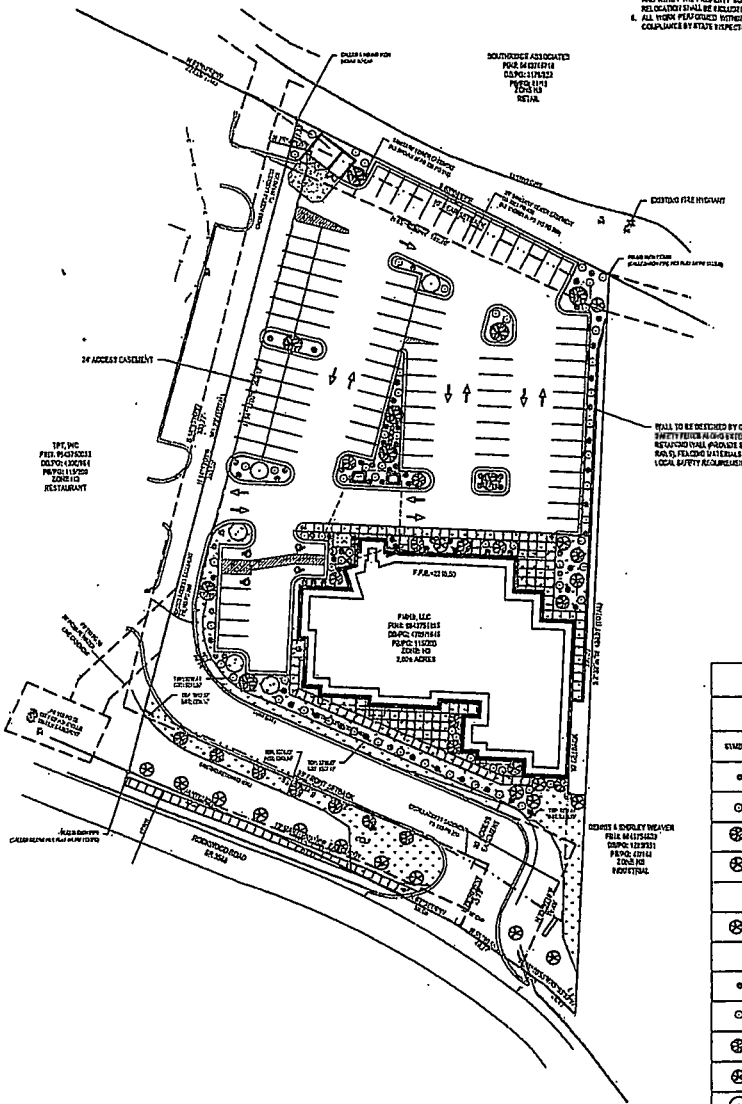


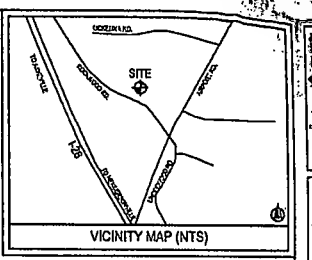
Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Development Department - July 2015

GENERAL NOTES
1. CONTRACTOR IS TO VERIFY ALL UTILITY LOCATIONS PRIOR TO BEGINNING WORK.
2. ALL WORK IS TO BE IN ACCORDANCE WITH ALL STATE AND LOCAL REGULATIONS.
3. ALL PERMITS ARE TO BE OBTAINED BY THE CONTRACTOR PRIOR TO THE START OF CONSTRUCTION.
4. EXISTING UTILITIES ON SITE SHALL BE RELOCATED AS REQUIRED; CONTRACTOR SHALL PAY ALL COSTS ASSOCIATED WITH RELOCATION.
5. CONTRACTORS ARE TO FULLY ACQUAINT THEMSELVES WITH ALL UTILITIES WITHIN THE CITY AND STATE ROW AND WITHIN THE PROPERTY BOUNDARIES WHICH WILL REQUIRE RELOCATION. ALL COSTS ASSOCIATED WITH RELOCATION SHALL BE INCLUDED IN THE BASE BID.
6. ALL WORK PERFORMED WITHIN NCDOT ROW SHALL BE PER NCDOT SPECS AND SHALL BE INSPECTED FOR COMPLIANCE BY STATE INSPECTORS AT THEIR DISCRETION.

LEGEND
- PROPERTY LINE
- EXISTING CONTOURS
- PROPOSED CONTOURS
- RIGHT OF WAY
- SETBACKS
- OPEN SPACE AREA STANDARD SLOPE





DEVELOPMENT DATA BLOCK	
SITE INFORMATION	
ZONE	HB
PROPOSED ZONE	HB (CZ)
ACREAGE	2.005
PIN	9643-16-1185-00000
DISTURBED AREA	1.60± ACRES
OPEN SPACE STANDARD SLOPE	14,337 SQ.FT.
TOTAL OPEN SPACE	14,337 SQ.FT.
OPEN SPACE RATIO	15.30%
LANDSCAPE BUFFERS	N/A
BUILDING SETBACKS	
FRONT	35'
REAR	10'
SIDE	0'
BUILDING INFORMATION	
NUMBER OF STORIES	7
NUMBER OF UNITS	100
HEIGHT OF BUILDING	82'-9"
TOTAL GROSS FLOOR AREA	71,367.46 SQ. FT.

PARKING REQUIREMENTS		
SPACES	REQUIRED	PROVIDED
PARKING SPACES	80	91
HANDICAP SPACES*	4	4
TOTAL	84	95
BICYCLE PARKING	5	5

PROPERTY OWNER:
PMHB, LLC
PRATIK BHAKTA
ONE ACTON CIRCLE
ASHEVILLE, NC 28806
PHONE: 828.606.7560

PROPERTY ADDRESS:
329 ROCKWOOD ROAD
ARDEN, NC 28704

PERVIOUS/IMPERVIOUS DEVELOPMENT			
DEVELOPMENT STAGE	PERVIOUS ACRES	IMPERVIOUS ACRES	IMPERVIOUS PERCENTAGE
PRE-DEVELOPMENT	1.72	0.28	14%
POST-DEVELOPMENT	0.50	1.50	75.0%

LANDSCAPE PLANTING LEGEND

BUILDING REQUIREMENT
(13,894 SQ.FT. FOOTPRINT = 14 TREES, 28 SHRUBS)

SYMBOL	LABEL	QTY. PROVIDED	QTY. REQUIRED	SCIENTIFIC NAME	COMMON NAME	PLANT TYPE	SIZE AT PLANTING
⊕	FS	23	14	Forsythia intermedia	BORDER FORSYTHIA	SHRUB	18" HEIGHT B&B
⊙	RH	29	14	Rhododendron hybrida	HYBRID RHODODENDRON	SHRUB	18" HEIGHT B&B
⊛	JM	6	6	Acer palmatum varieties	JAPANESE MAPLE	SMALL DECIDUOUS TREE	2" CALIPER AT HEIGHT B&B
⊛	PC	6	6	Malus hybrida	FLOWERING CRAB APPLE	SMALL DECIDUOUS TREE	2" CALIPER AT HEIGHT B&B

STREET TREE REQUIREMENTS
(1,827 FRONTAGE WITH OVERHEAD UTILITIES = 10 SMALL TREES)

⊛	PC	13	13	Malus hybrida	FLOWERING CRAB APPLE	SMALL DECIDUOUS TREE	2" CALIPER AT HEIGHT B&B

PARKING LOT REQUIREMENTS
VEHICULAR USE AREA = 34,978 SQ.FT. (23 DECIDUOUS TREES, 92 SHRUBS)

⊕	FS	92	92	Forsythia intermedia	BORDER FORSYTHIA	SHRUB	18" HEIGHT B&B
⊙	RH	43	43	Rhododendron hybrida	HYBRID RHODODENDRON	SHRUB	18" HEIGHT B&B
⊛	JM	3	3	Acer palmatum varieties	JAPANESE MAPLE	SMALL DECIDUOUS TREE	2" CALIPER AT HEIGHT B&B
⊛	PC	3	3	Malus hybrida	FLOWERING CRAB APPLE	SMALL DECIDUOUS TREE	2" CALIPER AT HEIGHT B&B
⊙	RM	7	7	Acer rubrum	RED MAPLE	LARGE DECIDUOUS TREE	2" CALIPER AT HEIGHT B&B
⊛	RO	13	13	Quercus rubra maritima	RED OAK	LARGE DECIDUOUS TREE	2" CALIPER AT HEIGHT B&B

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HYATT PLACE®
ARDEN, NC

LANDSCAPE PLAN

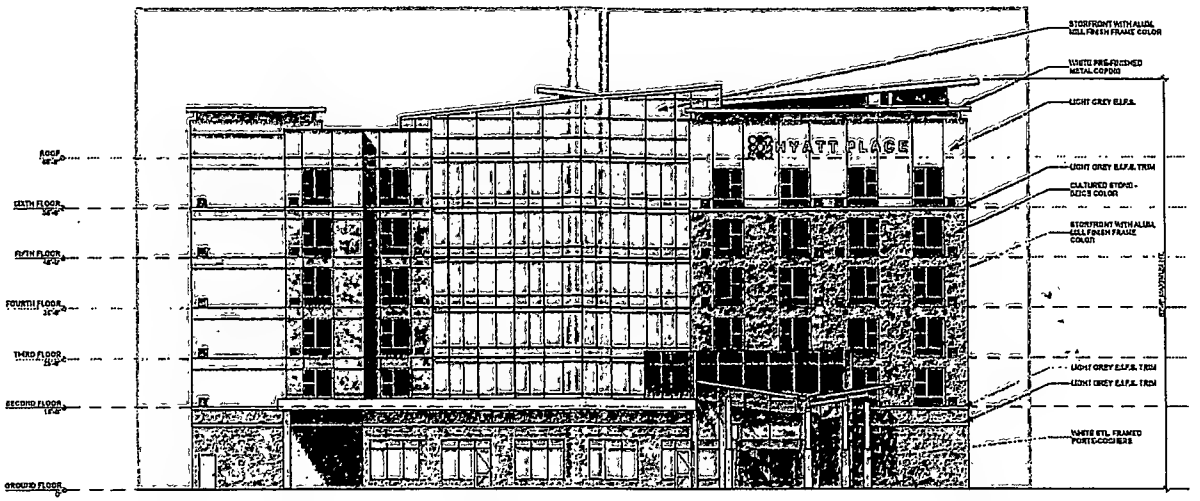
PREPARED FOR:
PMHB, LLC
ONE ACTON CIRCLE
ASHEVILLE, NC 28806
PHONE: 828.606.7560

DATE:	REVISIONS:

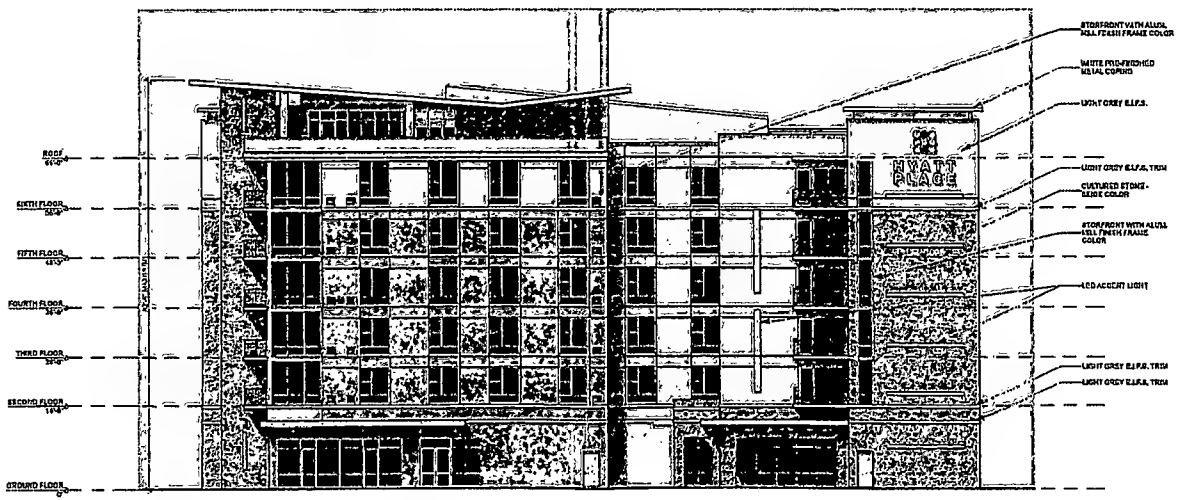
DESIGNED: SCW
DATE: 11/09/2015
DRAWN BY: SCW
CHECKED BY: JCH/AJD
SCALE: 1" = 30'
SHEET: G100

DO NOT SCALE - PLANS MUST BE RECEIVED AS A COMPLETE SET

RELEASED FOR AGENCY REVIEW - NOT RELEASED FOR CONSTRUCTION



1 FRONT ELEVATION



2 REAR ELEVATION

DEVELOPMENT DATA BLOCK

SITE INFORMATION:

ZONE:	HB
PROPOSED ZONE:	HB (CZ)
DISTURBED AREA:	2.66±
OPEN SPACE STANDARD SLOPE:	5143-79-1135-C0000
OPEN SPACE STEEP SLOPE:	1.6 ACRES
TOTAL OPEN SPACE:	1,479 SQ. FT.
OPEN SPACE REQ'D:	1,197 SQ. FT.
LANDSCAPE BUFFERS:	1,379 LIN.FT.

BUILDING SETBACKS:

FRONT:	39'
REAR:	10'
SIDE:	0'

BUILDING INFORMATION:

NUMBER OF STORIES:	7
NUMBER OF UNITS:	103
HEIGHT OF BUILDING:	82'-6"
TOTAL GROSS FLOOR AREA:	71,387.45 SQ. FT.

ALL CONTRACTORS AND SUB-CONTRACTORS SUBMITTING BIDS ON THIS PROJECT SHALL BE REQUIRED TO RECEIVE THIS ENTIRE SET OF DRAWINGS. BROKEN SETS ARE NOT ALLOWED FOR BIDDING PROJECTS.

UNDER NO CIRCUMSTANCES SHALL THIS DRAWING TO BE SCALED

BY	REVISIONS	DATE

DRAWN BY	APPROVED
MG, JA, CG	KA
PROJ #	DATE
15018	11/23/2015

QUALITY FIRST

isom ham
DESIGN GROUP PA
Architecture Engineering
1335 Gallaghan Drive Wilmington, NC 28403 www.isomham.com

NORTH CAROLINA

ELEVATIONS

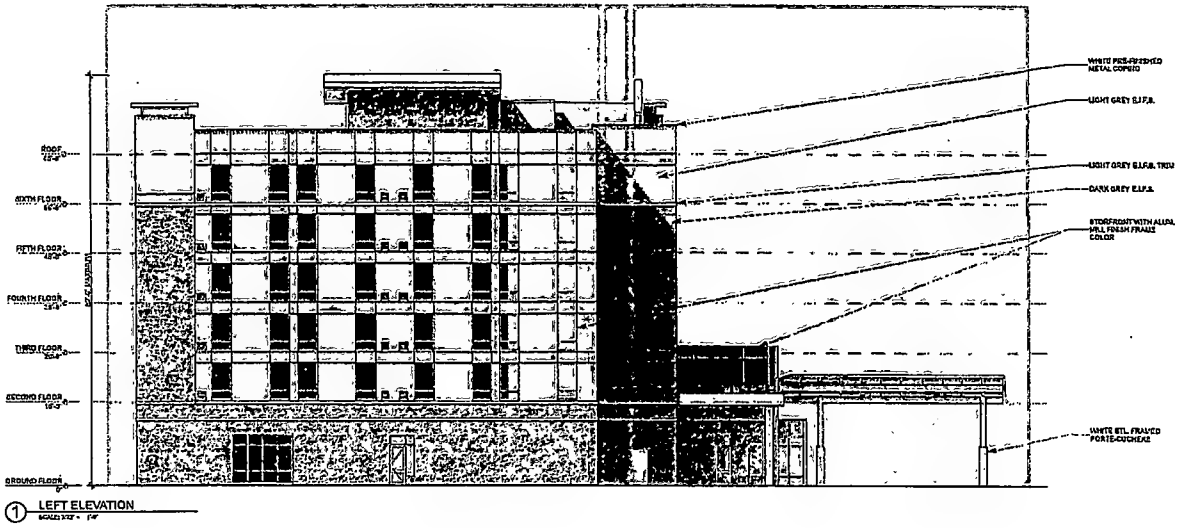
HYATT PLACE

ANSON

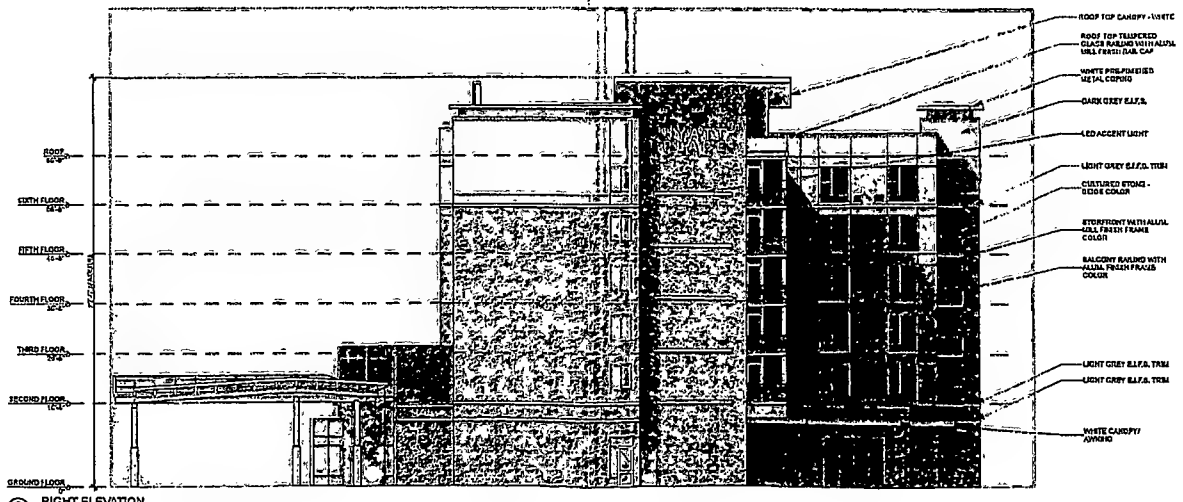
SHEET
A6.01

Exhibit C - Page 2 of 3

225



1 LEFT ELEVATION



2 RIGHT ELEVATION

DEVELOPMENT DATA BLOCK

SITE INFORMATION:

ZONE:	HB
PROPOSED ZONE:	HB (CZ)
DISTURBED AREA:	2.203
OPEN SPACE STANDARD SLOPE:	9563-73-1115-80330
OPEN SPACE STEEP SLOPE:	1.6 ACRES
TOTAL OPEN SPACE:	5,779 SQ. FT.
OPEN SPACE RATIO:	5,797 SQ. FT.
LANDSCAPE BUFFERS:	14,378 SQ. FT.

BUILDING SETBACKS:

FRONT:	25'
REAR:	10'
SIDE:	9'

BUILDING INFORMATION:

- NUMBER OF STORIES:	7
NUMBER OF UNITS:	108
HEIGHT OF BUILDING:	82'-6"
TOTAL GROSS FLOOR AREA:	71,357.43 SQ. FT.

ALL CONTRACTORS AND SUB-CONTRACTORS QUESTIONS SEEN ON THIS PROJECT SHALL BE REQUIRED TO RECEIVE THIS ENTIRE SET OF DRAWINGS. BROKEN SETS ARE NOT ALLOWED FOR BIDDING PURPOSES.

UNDER NO CIRCUMSTANCES ARE THE DRAWINGS TO BE SCALED!

BY	REVISIONS	DATE

DRAWN BY: MC, JA, CD | APPROVED: MT
PROJ. #: 19015 | DATE: 11/13/2019

QUALITY FIRST

isom ham
DESIGN GROUP, PA
Architecture - Engineering
1329 Gallizio Dam Village, NC 28327 www.isomham.com

ELEVATIONS

HYATT PLACE

NORTH CAROLINA

SHEET
A6.02

Exhibit C - Pg 39 of 3

ORDINANCE NO. 4479

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 23rd day of February, 2016.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: To authorize acceptance and expenditure of funds provided by Asheville Buncombe Technical Community College for the purchase of equipment and installation of a traffic signal at the intersection of Victoria Road and Fernihurst Drive.

Magdalen Burleson
City Clerk

228

City of Asheville
Budget Amendment

1. Effective Date: 1/26/2016
2. Fiscal Year: 2015-2016

3. Amendment to Operating ___ and/or Capital Project _X_ appropriation.

4. Requesting Department Transportation **5. Today's Date** 1/26/2016 **6. Department Head Signature**

7. Comments/Purpose: To accept funds from AB Tech to install a traffic signal at the intersection of Victoria Road and Fernihurst Drive.

8. Organization #	Object Code	Project #	9. Beginning Budget	10. Account Summary Bal	11. New Budget	12. Increase or Decrease By
REVENUE:						
11002152	489000		0.00	$0.00	$50,000.00	$50,000.00
Private Donations Grant						
Expenditure:						
11002152	521001		30,000.00	$30,000.00	$55,000.00	$25,000.00
Contracted Services						
11002152	524101		15,000.00	$2,205.69	$40,000.00	$25,000.00
Materials						

13. Balance of Transaction: $0.00

ORDINANCE NO. 4480

ORDINANCE AMENDING THE FISCAL YEAR 2015-16 FEES AND CHARGES MANUAL

WHEREAS, on April 14, 2015, the City Council adopted the fees and charges for the Fiscal Year 2015-16 by Ordinance No. 4404, as readopted and changed on April 28, 2015 by Ordinance No. 4405 and amended by the City Council in Ordinance No. 4432; and

WHEREAS, the Fiscal Year 2015-16 Fees and Charges Manual includes a $0.25 convenience fee for credit/debit card usage for on-street parking meters; and

WHEREAS, the Parking Services Division will begin testing the use of single-space electronic (smart) meters for on-street parking meters, which will allow the use of coins, debit cards and credit cards; and

WHEREAS, some credit card companies require the City to comply with certain requirements prior to charging a convenience fee to users of their credit and charge cards; and

WHEREAS, to allow Parking Services to proceed with the use of electronic (smart) meters, and to ensure that all users of these parking meters will be consistently and uniformly charged, it is in the best interest of the City to remove the convenience fee for all users of on-street parking meters; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Fiscal Year 2015-16 Fees and Charges Manual be amended to remove the $0.25 convenience fee for credit/debit card usage for on street metered parking, as set forth on page TR11 attached hereto and made a part of this ordinance.

This ordinance will become effective upon adoption.

Read, approved, and adopted this the 23rd day of February, 2016.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

230

CITY OF ASHEVILLE
FEES & CHARGES MANUAL

DEPARTMENT Transportation DIVISION Parking Services

Revenue Name Time-Restricted Parking (Parking Meters)

Account Code 62000221:482410

Description of Revenue

Revenue derived from providing time-restricted parking spaces. This includes spaces timed by either meter or sign.

Fee Schedule

A. Parking Meters: $1.25 per hour

B. Cost of using a parking meter space for an entire day - $18.00 per day per space

C. Cost of using a parking meter space for an entire day for a Limited Event for Motor Vehicles - As established by City Council resolution.

D. Monthly rental of perimeter on-street parking spaces:

Permit A	$45.00 per month
Permit B	$30.00 per month

E. Nine-Hour Meters: $5.00 per day

~~F. Convenience fee for credit/debit card usage for on-street metered parking - $0.25 per transaction~~

Revised 7/1/2014

ORDINANCE NO. 4481

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 23rd day of February, 2016.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: To set up the project budget for a feasibility study for the first segment of the Swannanoa River Greenway Corridor, known as the "East Asheville Greenway".

Magdalen Bulleson
City Clerk

232

City of Asheville
Budget Amendment

1. Effective Date: 2/1/2016
2. Fiscal Year: 2015-2016

3. Amendment to Operating X and/or Capital Project _ appropriation.

4. Requesting Department: Transportation
5. Today's Date: 2/3/2016
6. Department Head Signature

7. Comments/Purpose: To accept funds from the Asehville Parks and Greenway Foundation and the Friends of Connect Buncombe to conduct a feasibility study in East Asheville

8. Organization #	Object Code	Project #	9. Beginning Budget	10. Account Summary Bal	11. New Budget	12. Increase or Decrease By
REVENUE:						
11002100	483300		0.00	$0.00	$37,000.00	$37,000.00
Private Donations						
Expenditure:						
11002100	521001		67,857.00	$0.00	$104,857.00	$37,000.00
Contracted services						
				13. Balance of Transaction:		$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:
16. Ordinance Number:
17. Date Received in Budget & Research:
18. Date Sent to City Clerk:

19. Date Posted:
By:
Sheet #:

Must be received by Budget & Research 14 days prior to the City Council Meeting.

ORDINANCE NO. 4482

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 23rd day of February, 2016.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Storm control materials

Magdalen Bulleson
City Clerk

234

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2015-16

3. Amendment to Operating _x___ and/or Capital Project ____ appropriation.

Public Works	2/23/2016	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: to appropriate fund balance for storm control purchases

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Appropriated Fund Balance				
11000032 499100	$0.00		$431,000.00	$431,000.00
Expenditures:				
Mach & Equipment				
11003006 614101	$0.00		$51,000.00	$51,000.00
Fleet Maintenance				
11003006 571001	$2,100.00		$15,892.00	$13,792.00
Materials				
11003006 524101	$173,994.98		$540,202.98	$366,208.00
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4483

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 23rd day of February, 2016.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Craven St Improvement Project

Magdalen Burleson
City Clerk

4236

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2015-16

3. Amendment to Operating ____ and/or Capital Project _x___ appropriation.

Public Works	2/23/2016	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: to budget funds from MSD for Craven St project

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Other Participation				
41000803 437100 E1202	$0.00		$35,000.00	$35,000.00
Expenditures:				
Improvements				
41000803 611102 E1202	$2,008,633.39		$2,043,633.39	$35,000.00

ORDINANCE NO. 4484

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 8th day of March 2016.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Amendment to appropriate budget in the General Fund for actions regarding city-owned properties at 68-76 Haywood Street and 33-37 Page Avenue

Magdalen Burleson
City Clerk

238

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2015-16

3. Amendment to Operating _x___ and/or Capital Project ____ appropriation.

Planning	3/8/2016	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: to budget funding for Haywood St contract

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Fund Balance				
11000032 499100	$431,000.00	$0.00	$446,000.00	$15,000.00
Expenditures:				
Contracted Services				
11000410 521001	$298,910.00	$193,510.00	$313,910.00	$15,000.00

ORDINANCE NO. 4485

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 8th day of March, 2016.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Amendment to appropriate budget in the General Fund for actions regarding the city-owned building at 33/35 Page Avenue.

Magdalen Burleson
City Clerk

240

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2015-16

3. Amendment to Operating _x___ and/or Capital Project ____ appropriation.

City Manager — 3/8/2016

4. Requesting Department — 5. Today's Date — 6. Department Head Signature

7. Comments/Purpose: to budget funding for Page Ave property

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Fund Balance				
11000032 499100	$431,000.00	$0.00	TBD	TBD
Expenditures:				
General Fund Expense				
11000131 5*****	TBD	TBD	TBD	TBD

ORDINANCE NO. 4486

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 22nd day of March, 2016.

Magdalen Bamlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: To budget funding for stormwater relocation

Magdalen Bamlesson
City Clerk

242

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2015-16

3. Amendment to Operating _x___ and/or Capital Project ____ appropriation.

Public Works — 4. Requesting Department
3/22/2016 — 5. Today's Date
6. Department Head Signature

7. Comments/Purpose: to budget funding for stormwater relocation

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Fund Balance				
62400320 499100	$407,558.00	$0.00	$1,007,558.00	$600,000.00
Expenditures:				
Maintenance & Repairs				
62400320 522001	$0.00	$0.00	$600,000.00	$600,000.00

ORDINANCE NO. 4487

ORDINANCE AMENDING ZONING FOR PROPERTY LOCATED AT 338 HILLIARD AVENUE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City, and is determined to be reasonable and in the public interest for the following reasons:

a. The rezoning is consistent with the vision of growth for the area
b. The request aligns with goals for a well-planned and livable community

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

> The zoning classification of the portion of the real property zoned Community Business I (CB I) described in Exhibit A and identified on Buncombe County tax maps as PIN 9648.18-3942, and, recorded in Deed Book 1131, Page 436; and currently owned by City of Asheville from CB I District to Central Business District (CBD). A copy of the official zoning map showing said lot is attached hereto as Exhibit "A" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or

phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 6. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 22nd day of March, 2016.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

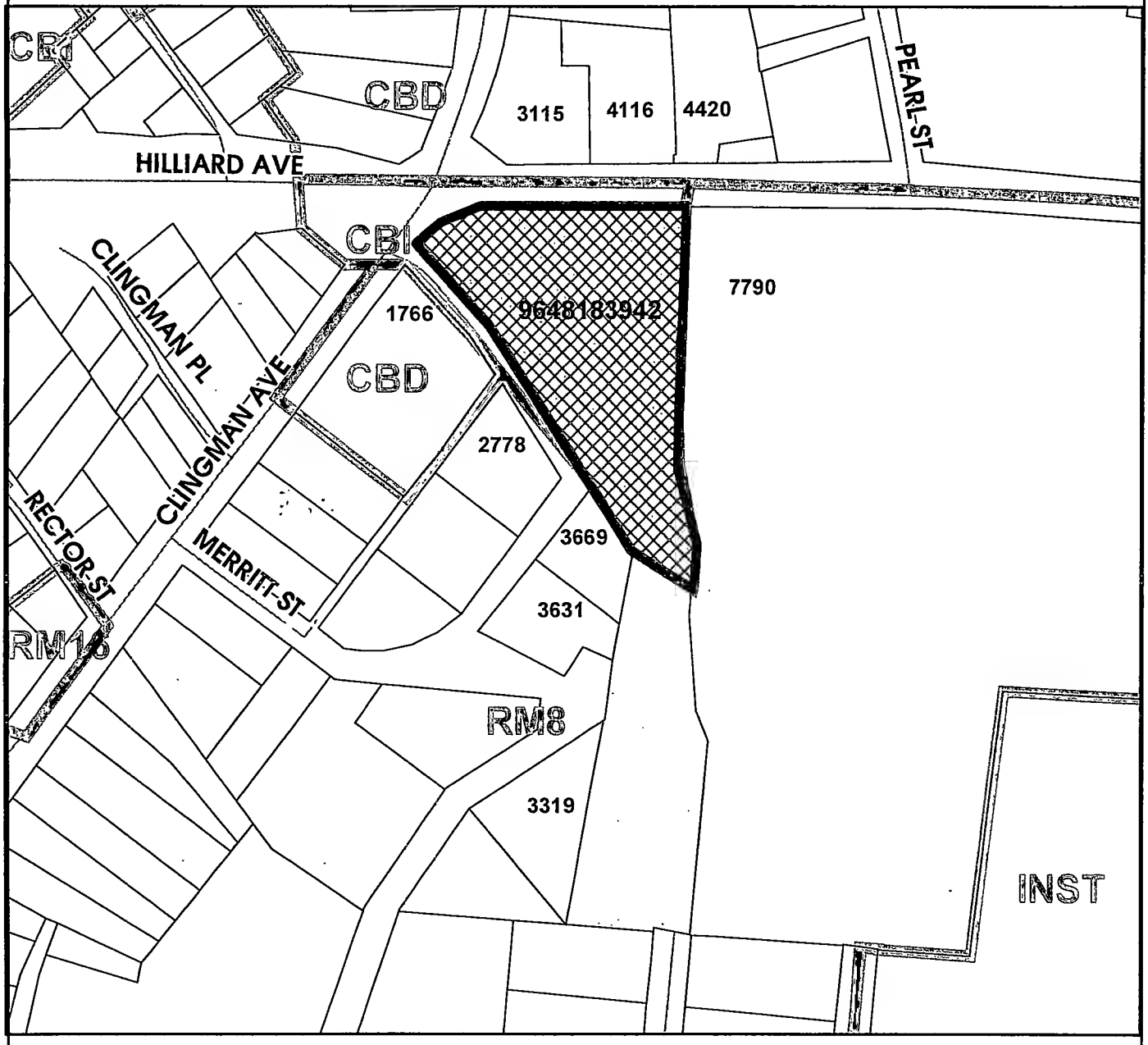
City Attorney

Magdalen Burleson
City Clerk

Exhibit A: Parks Maintenance Rezoning
338 Hilliard Avenue (portion of site)

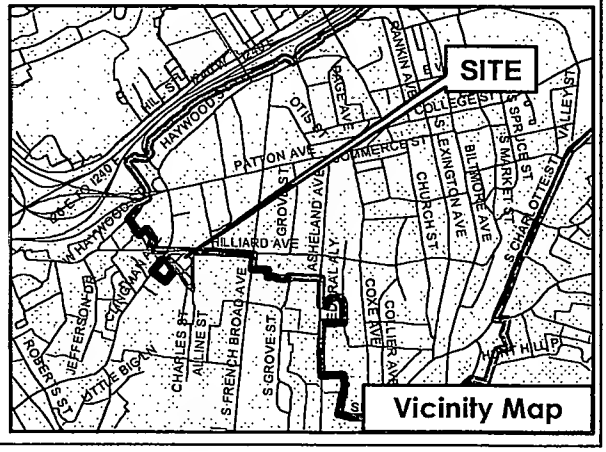
ASHEVILLE

N W E S



Project Name:	Park Maintenance Rezoning
Project Number:	PZ 16-02019 PZ
Project Description:	Rezoning portion of site from CB1 to CBD
Petitioner(s):	City of Asheville
Parcel ID Number(s):	9648183942
Location/Address:	338 Hilliard Avenue

Project Area
Parcels
Central Business District
Project Parcel



City of Asheville Planning and Urban Design Department - March 2016

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ORDINANCE NO. 4488

ORDINANCE AMENDING OFFICIALLY ADOPTED MAPS PERTANING TO THE CENTRAL BUSINESS DISTRICT: HEIGHT ZONE MAP

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, these maps appear in the development standards section for the Central Business District and pertain to height allowances and other development standards; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. The rezoning is consistent with the vision of growth for the area.
b. The request aligns with goals for a well-planned and livable community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The map entitled "Height Zone Map" be amended as proposed for Intermediate Height Zone and attached hereto as Exhibit A and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 22nd day of March, 2016.

Magdalen Burleson
City Clerk

Adam G. Mayer
Mayor

Approved as to form:

City Attorney

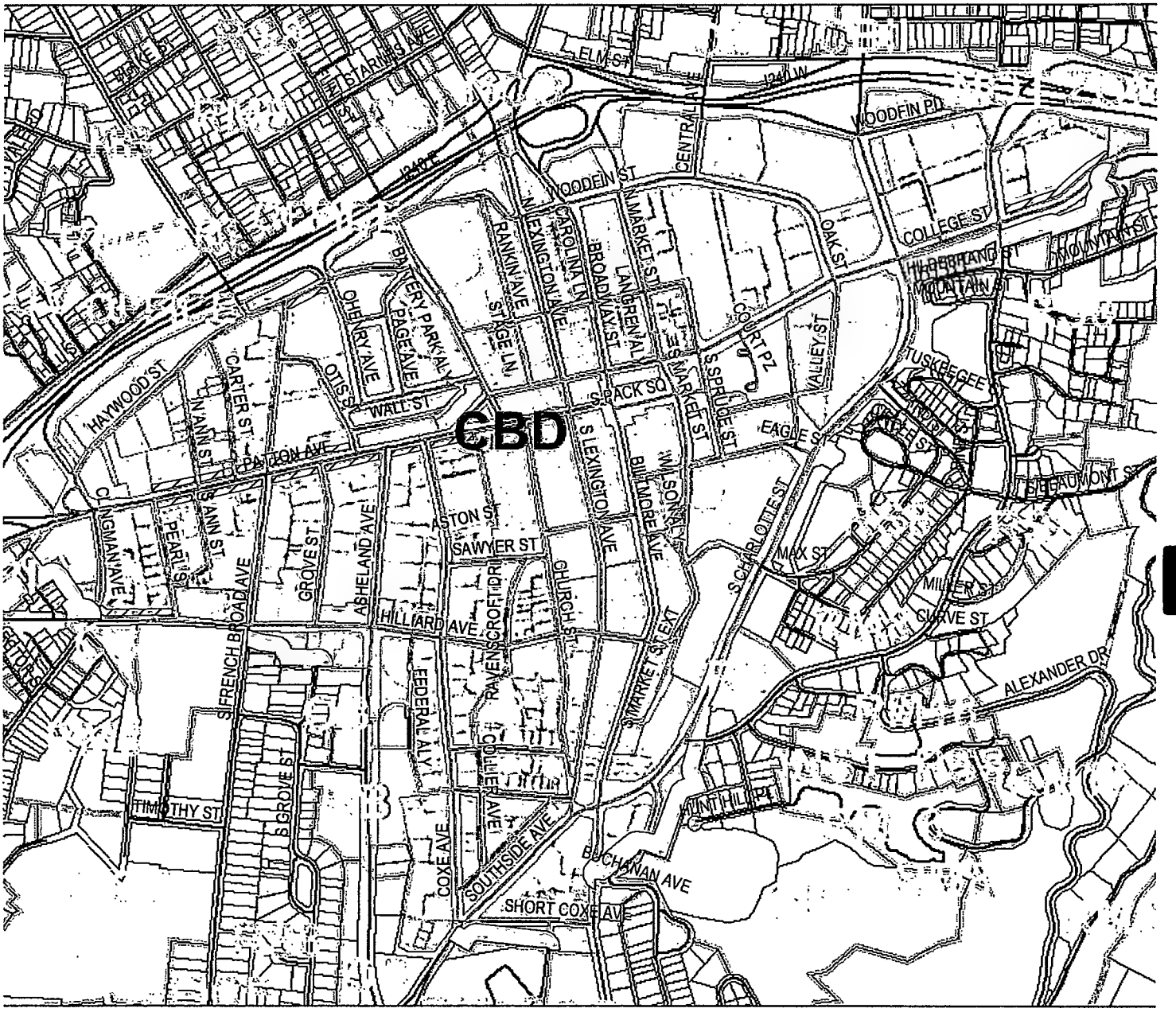
Magdalen Burleson
City Clerk

248

ASHEVILLE

City of Asheville
Downtown Master Plan Maps
Context Edge and Height Zones

N
W E
S



Legend

- Context Transition Edge
- Building Height Buffer Zone
- Intermediate Height Zone
- Tallest Height Zone
- Central Business District
- Parcels
- Streets
- Zoning Districts

This is the updated height zone map. This map includes the height zone areas for the Tallest Height Zone, the Intermedia Height Zone, Building Height Buffer Zone and the Context Transition Edge.

ORDINANCE NO. 4489

ORDINANCE ADOPTING THE FISCAL YEAR 2016-17 FEES & CHARGES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the attached Fiscal Year 2016-17 fees and charges, attached to and made a part of this ordinance, be adopted.

That this ordinance shall be in full force and effect upon July 1, 2016.

Read, approved and adopted this 22nd day of March, 2016.

Magdalen Bulleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

Proposed FY 2016-17 Fee Changes

Item or Service	Current Fee	Proposed New Fee	Additional Revenue
General Fund			
Public Works			
Solid Waste Fee	$10.50 per month	$14.00 per month	$1,100,000.00
Finance			
Motor Vehicle License	$10 annually	$30 annually	$1,400,000.00
Note: Every $5 increment produces $350,000.			
Parks & Recreation			
Aston Park Passholder Fee			$20,000.00
Resident - Individual	$250.00	$375.00	
Resident - Senior	$220.00	$310.00	
Resident - Familly	$400.00	$600.00	
Resident - Senior Family	$300.00	$450.00	
Non-resident - Individual	$325.00	$475.00	
Non-resident - Family	$500.00	$750.00	
Aston Park Court Rental Tournament Fee			$2,125.00
1/2 Day Use - 6 Courts	N/A	$125.00	
Full Day Use - 6 Courts	N/A	$250.00	
Full Day Use - 12 Courts	N/A	$600.00	
Light Use Fee - 6 Courts	N/A	$100.00	
Light Use Fee - 12 Courts	N/A	$200.00	
Nature Center			
Various Proposed Changes	See Attachment A	See Attachment A	$9,300.00

Proposed FY 2016-17 Fee Changes

Item or Service	Current Fee	Proposed New Fee	Additional Revenue
Water Fund			
Utility Charges (per Ccf)			
Single Family Residential	$3.93	$3.99	
Irrigation	$4.28	$4.49	
Multi-Family Residential	$3.32	$3.37	
Commercial (</= 1,000 CCF monthly)	$3.32	$3.37	
Commercial (> 1,000 CCF monthly)	$1.86	$1.93	
Commercial (</= 2,000 CCF bimonthly)	$3.32	$3.37	
Commercial (> 2,000 CCF bimonthly)	$1.86	$1.93	
Manufacturer (</= 1,000 CCF monthly)	$3.32	$3.37	
Manufacturer (> 1,000 CCF monthly)	$1.81	$1.87	
Manufacturer (</= 2,000 CCF bimonthly)	$3.32	$3.37	
Manufacturer (> 2,000 CCF bimonthly)	$1.81	$1.87	
Wholesale	$1.08	$1.13	$373,962.00
Capital Improvement Fee (per meter size monthly)			
5/8 inch	$3.97	$4.03	
3/4 inch	$4.55	$4.62	
1 inch	$54.54	$55.36	
1 1/2 inch	$90.90	$92.26	
2 inch	$159.08	$161.46	
3 inch	$499.95	$507.45	
4 inch	$874.92	$888.04	
6 inch	$1,124.89	$1,141.77	
8 inch	$1,374.87	$1,395.49	
10 inch	$1,624.85	$1,649.22	$99,244.00

Proposed FY 2016-17 Fee Changes

Item of Service	Current Fee	Proposed New Fee	Additional Revenue
Stormwater Fund			
Stormwater Monthly Utility Fee			$252,898.00
Single Family Properties	225-2000 Sq Ft: $2.63/mo.	225-2000 Sq Ft: $2.76/mo.	
	2001-4000 Sq. Ft: $4.20/mo.	2001-4000 Sq. Ft: $4.41/mo.	
	>4001 Sq. Ft: $5.78/mo.	>4001 Sq. Ft: $6.07/mo.	
Non-Single Family Properties	$4.20 per ERU/mo.	$4.41 per ERU/mo.	
US Cellular Center Fund			
Various Proposed Changes	See Attachment B	See Attachment B	$28,000.00

ATTACHMENT A

WNC Nature Center Proposed Fee Structure Changes for 2016
Friends of the WNC Nature Center Memberships versus Non-Memberships

Friend's Membership Fees	2015 Prices	2016 Prices	Notes:
Wild Weeks Camps	150	175	Grades 1-3
Early Childhood Camp	70	85	Pre-K Families
Critter Time Pre-K	10	13	
Rising "K" Camp	NA	175	New program 2016
ATBI Camp	NA	175	New camp 2016
Pre & Post Care for Campers	50.00 Post only	25.00/50.00 (Pre/Post)	Per week fee
Elk Exploration	18	20	
Wolf Howl	8	12	
Overnight Delight Cataloochee Valley	NA	30	New program 2016
Birthday Room Reservations/Rental	175	200	2-hour room rental, no programs
Birthday Party Educational Program	50	60	30-minute wildlife presentation
Offsite EE Programs in Buncombe County	200	300	1-hour presentations with Q&A, biofacts, and live animals

Non-Membership Fees	2015 Prices	2016 Prices	Notes:
Wild Weeks Camps	175	200	Grades 1-3
Early Childhood Camp	75	100	Pre-K Families
Critter Time Pre-K	12	18	
Rising "K" Camp	NA	200	New program 2016
ATBI Camp	NA	200	New camp 2016
Pre & Post Care for Campers	50.00 Post only	25.00/50.00 (Pre/Post)	Per week fee
Elk Exploration	20	22	
Wolf Howl	10	15	
Overnight Delight Cataloochee Valley	NA	35	New program 2016
Birthday Room Reservations/Rental	200	225	2-hour room rental, no programs
Birthday Party Educational Program	50	60	30-minute presentation
Offsite EE Programs outside Buncombe County	300	400	1-hour presentations with Q&A, biofacts, and live animals

ATTACHMENT B: US CELLULAR CENTER PROPOSED FEE CHANGES

Revenue Name: Arena Reset Fees

Current Fee: Remove Bleachers: $1,000.00 per event for shows grossing less than $35,000.00 in ticket sales.

Proposed Fee: Remove ADA Section: $2,500.00 per event for shows grossing less than $35,000.00 in ticket sales.

Revenue Name: Sale Materials & Services - Novelty Sales

Current Fee: 25% of gross sales

Proposed Fee: 30% of gross sales or as Negotiated

Revenue Name: Rent- Building, Equip. & Staff

Current Fee:

I. Facility Rental Rates

1. Arena

a. Ticketed Events: $2,750.00 versus 10% of Gross Ticket Sales net of related taxes. (Gross is actual gross less 3% North Carolina Amusement Tax and a 2% City

b. All Other Events: $2,750.00 per day. (Day defined as 8:00 am to 12:00 midnight, each hour after midnight charges at $50/hour).

2. Thomas Wolfe Auditorium

a. Ticketed Events: $1,350.00 versus 10% of Gross Ticket Sales net of related taxes. (Gross is actual gross less 3% North Carolina Amusement Tax and a 2% City

b. All Other Events: $1,350.00 per day. Not to exceed 8 hours of occupancy. Additional time is $100.00 per hour.

3. Exhibit Hall

a. Ticketed Events: $1,000.00 versus 10% of Gross Ticket Sales net of related taxes. (Gross is actual gross less 3% North Carolina Amusement Tax and a 2% City

b. All Other Events: $1,000.00 per day. (Day defined as 8:00 am to 12:00 midnight, each hour after midnight charges at $25/hour).

4. Banquet Hall

a. $500.00 rental. For all hours outside standard business hours (defined as 8:00 am to 5:00 pm Monday through Friday) an additional fee of $25.00/hour will be charged.

b. $250.00 rental. Interdepartmental only. For all hours outside standard business hours (defined as 8:00 am to 5:00 pm Monday through Friday) an additional fee of

5. Lobby Rental

a. $500.00 rental. Rental of the new lobby area of the US Cellular Center for receptions, luncheons and dinner events.

6. Meeting Rooms 1 to 12

a. $100.00 rental for each 8 hour period per day. Additional hours at $15.00 each. Time after 12 AM is $100.00 each hour.

7. Move In/Move Out/Rehearsal or Dark Day Fees

a. Monday to Wedneday: Half the regular "All Other Events" fee for up to 8 hours of use. Additional time charged regular per hour fee quoted above.

b. Thrusday to Sunday: The regular "All Other Events" fee for an 8 hour period. Additional time charged at regular per hour fee quoted above.

Proposed Fee:

1. Arena

a. Ticketed Events: $3,500.00 versus 10% of Gross Ticket Sales net of related taxes or as negotiated (Gross is actual gross less 7% North Carolina sales Tax and a 2%

b. All Other Events: $3,500 per day or as negotiated. (Day defined as 8:00 am to 12:00 midnight, each hour after midnight charges at $50/hour).

c. Non-Permitted outside food & beverage fee: $1,200. to be charged if and only if a renting client allows un-approved outside food & beverage to enter the facility.

2. Thomas Wolfe Auditorium

a. Ticketed Events: $1,500.00 versus 10% of Gross Ticket Sales net of related taxes or as negotiated (Gross is actual gross less 7% North Carolina sales Tax and a 2%

b. All Other Events: $1,500.00 per day. Day defined at 8:00 am to 12:00 midnight, each hour after midnight charges at $50/hr)

c. Non-Permitted outside food & beverage fee: $500. to be charged if and only if a renting client allows un-approved outside food & beverage to enter the facility.

3. Exhibit Hall

a. Ticketed Events: $1,000.00 versus 10% of Gross Ticket Sales net of related taxes. (Gross is actual gross less 7% North Carolina sales Tax and a 2% City Surcharge).

b. All Other Events: $1,000.00 per day. (Day defined as 8:00 am to 12:00 midnight, each hour after midnight charges at $25/hour).

c. Non-Permitted outside food & beverage fee: $500. To be charged if and only if a renting client allows un-approved outside food & beverage to enter the facility

4. Banquet Hall

a. $1,500 rental .. Rent to include; tables, chairs, all necessary staffing, all in house A/V equipment. Rent NOT to include; Table covers/skirts, food & beverage, additional

b. $500 rental .. Rent to include; tables, chairs, all necessary staffing, all in house A/V equipment. Rent NOT to include; Table covers/skirts, food & beverage, additional

5. Lobby Rental

a. $1,500 rental. Rent to include; tables, chairs, all necessary staffing, all in house A/V equipment. Rent NOT to include; Table covers/skirts, food & beverage, additional

6. Meeting Rooms 1 to 12

a. $1,000 rental. Rent to include; tables, chairs, all necessary staffing, all in house A/V equipment. Rent NOT to include; Table covers/skirts, food & beverage, additional

7. Move In/Move Out/Rehearsal or Dark Day Fees

a. Remove this Discount Rate

b. Remove this Discount Rate

Revenue Name: Staff Reimbursement

Current Fee:

1. Staff Reimbursement:

A. Minimum 4 hour calls apply.

City Police Officers	$30.00/hour
Coordinator	$20.00/hour
Crew Leader	$20.00/hour
Door Guards	$12.00/hour
Electrician	$25.00/hour
EMT (Emergency Medical Technician)	$20.00/hour
Equipment Operator	$20.00/hour
Fire Watch	$25.00/hour
Labor Crew Supervisor	$20.00/hour
Laborer	$20.00/hour
Police Supervisor (3 or more)	$35.00/hour
Receptionist	$11.00/hour
Ticket Seller	$11.00/hour
Ticket Takers	$12.00/hour
Ushers	$12.00/hour

Proposed Fee:

1. Staff Reimbursement:

A. Minimum 4 hour calls apply.

City Police Officers	$33.00/hr
City Police Officer Supervisors	$36.00/hr
Coordinator	$25.00/hr
Custodial	$16.00/hr
Door Guards	$14.50/hr
Electrician	$25.00/hr
EMT (Emergency Medical Technician)	$22.00/hr
Equipment Operator	$22.00/hr
Fire Watch (AFD Personnel)	$48.00/hr
Fire Watch (Contractor Personnel)	$25.00/hr
Labor Crew Supervisor	$20.00/hr
Laborer	$16.00/hr
T-shirt Security	$16.50/hr

T-shirt Security Supervisor	$18.50/hr
T-Shirt Security Overnight	$18.50/hr
Ticket Seller	$14.50/hr
Ticket Takers	$14.50/hr
Ushers	$14.50/hr

Revenue Name: Equipment Rentals

2. Equipment: is on an as available schedule.

a. Basketball Floor	$600.00/day
b. Chairs	$ 0.75/each
c. Follow Spots (Super Troupers)	$ 100.00/each/day
d. Forklift (without operator)	
(i) By the hour	$15.00/hour
(ii) By the day	$100.00/day
e. Forklift (with operator)	
(i) By the hour	$40.00/hour
f. Lectern	$10.00/day
g. Microphone (1 supplied no charge)	$15.00/each
h. Photo Copies	$0.25/each
i. Piano (Tuning not included)	
(i) Upright	$50.00
(ii) Steinway Concert Grand (auditorium onl	$500.00
(iii) Baldwin Grand (arena only)	$300.00
j. Pipe & Drape (Blue)	
(i) Exhibit Booth (8'x10' or 10'x10')	$20.00 per show
(ii) Perimeter Drape	$1.00/running ft.
k. Staging/Risers/Steps (4'x8' sections)	$15.00/each
l. Tables (8'x30" rectangular or 60" round)	$7.00/each
(i) Cloths for above (linen)	$10.00/each
(ii) Paper Covers	$3.00/each
(iii) Skirting for tables	$12.00/each
m. Washer/Dryer Rental	$50.00/day
n. Towels	
(i) Hand Towels	$2.00/each
(ii) Bath Towels	$4.00/each
o. Iron & Ironing Board	$30.00/day
p. Fax Transmittal/Receive	$2-1st page/$1 addtl. pages
q. Orchestra Shell	$300.00/day
r. Sound System	$100.00
(i) Wireless Microphones	$30.00/each
(ii) TV/VCR/DVR & PROJECTOR	$50.00/each
(iii) Easel	$10.00 each

Proposed Fee:

2. Equipment: is on an as available schedule.

Basketball Floor	$600.00/day
Chairs	$ 0.75/each

Forklift (without operator)		
(i) By the hour	$15.00/hour	REMOVE THIS FEE
(ii) By the day	$150/DAY	
Forklift (with operator)		
(i) By the hour	$40.00/hour	REMOVE THIS FEE
Bike Rack Barricades	$10.00/each	
Cable Trays	$5.00/each	
Dumpster (if additional containers are need	Quoted based on event needs	
Easel	$10.00 each	
Exhibit Booth: P&D Only	$20.00/booth/show	
Exhibit Booth: P&D, Table, Chairs	$30.00/booth/show	
Exhibit Booth: P&D, Table, Chairs, Cover &	$52.00/booth/show	
Fax Transmittal/Receive	$2-1st page/$1 addtl. pages	
Follow Spots (Super Troupers)	$ 100.00/each/day	
Forklift (operator additional cost)	$150/DAY	
Iron & Ironing Board	$30.00/day	
Lectern	$10.00/day	
Microphone hard wired	$15.00/each	
Orchestra Shell	$300.00/day	
Photo Copies	$0.25/each	
Piano (Tuning not included)		
Piano Baldwin Grand (arena only)	$300.00	
Piano Steinway Concert Grand (auditorium	$500.00	
Piano upright	$50.00	
Pipe & Drape (Blue & Black Available)	$1.00/running ft.	
Sound System	$100.00	
Staging/Risers/Steps (4'x8' sections)	$15.00/each	
Table Cloths	$10.00/each	
Table Skirts	$15.00/each	
Tables (8'x30" rectangular or 60" round)	$7.00/each	
Theater Curtain Set up	$250/each	
Towels Bath	$4.00/each	
Towels Hand	$2.00/each	
Washer/Dryer Rental	$50.00/day	
Wireless Microphones	$30.00/each	

Revenue Name: Utility Rates

Current Fee:		
Utility Rates		
	Wireless Internet Hook up	$150.00 hook-up fee which incluedes first day use, each additional day charged at $50.00 per day
Proposed Fee:		
Utility Rates		
	Wireless Internet Hook up	$200.00 hook-up fee which incluedes first day use, each additional day charged at $50.00 per day

ATTACHMENT 9: US CELLULAR CENTER PROPOSED FEE CHANGES

Revenue Name: Sales Materials & Services - Ticket Office

Current Fee:

$200.00 vs. 3% of net gross.

Proposed Fee:

Arena: $300 vs 3% of net gross, whichever is greater

Thomas Wolfe: $250 vs 3% of net gross, whichever is greater

All other spaces: $250 vs 3% of net gross, whichever is greater

Revenue Name: Sales Materials & Services - Box Office Handling

Current Fee:
$1.50 per ticket by the phone.

Proposed Fee:
$5.00 per ticket processed over phone

$5.00 per ticket for internal purchase requests

ORDINANCE NO. 4490

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 12th day of April, 2016.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: To budget additional parking revenue to fund the Comprehensive Parking Study.

Magdalen Bullock
City Clerk

260.

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2015-16

3. Amendment to Operating _x___ and/or Capital Project ____ appropriation.

Transportation	4/12/2016	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: to budget additional parking revenue to fund comprehensive study

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Parking Meters				
62000221 482410	$1,250,000.00	$240,523.00	$1,295,000.00	$45,000.00
Expenditures:				
Contracted Services				
62000221 521001	$382,821.00	$75,000.00	$427,821.00	$45,000.00

ORDINANCE NO. 4491

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 12th day of April, 2016.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Amboy Road Crosswalk

Magdalen Bullock
City Clerk

262

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2015-16

3. Amendment to Operating ____ and/or Capital Project _x___ appropriation.

Finance	4/12/2016	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: to budget TDA funding for Amboy crosswalk

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Other Local Participation				
4100xxxx 43xxxx K16xx	$0.00	$0.00	$25,000.00	$25,000.00
Expenditures:				
Materials				
41000231 524101 K16xx	$0.00	$0.00	$17,000.00	$17,000.00
Materials				
41002152 524101 K16xx	$0.00	$0.00	$8,000.00	$8,000.00
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4492

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO AMEND THE STANDARDS REGULATING SUBDIVISIONS AND THE SUBDIVISION REVIEW PROCESS

WHEREAS, the City of Asheville has the authority pursuant to Part I of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt subdivision regulations and to amend said regulations from time to time in the interest of the public health, safety and welfare; and

WHEREAS, the City of Asheville Unified Development Ordinance (Chapter 7 of the City Code of Ordinances) currently provides development standards guiding the orderly growth and development of the city; and

WHEREAS, subdivisions are an important tool for growth and development; and

WHEREAS, this proposed amendment is consistent with the city's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the city, and is determined to be reasonable and in the public interest for the reasons as follows:

a) Simplifies the definition of a subdivision,
b) Organizes and streamlines the review process for subdivisions, and
c) Updates the development standards for newly subdivided parcels.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Chapter 7 of the Code of Ordinances of the City of Asheville is hereby amended as follows:

a. Sec. 7-2-5 is amended by replacing the existing definition of Subdivision with:

Subdivision means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets.

b. Sec. 7-5-8 is amended by replacing it in its entirety with the following:

(a) *Major subdivisions.*

(1) *Purpose and application.* The major subdivision review process is required for those divisions of land into two or more lots where the extension of public streets or private streets built to City of Asheville standards is required. Review of the preliminary plat by the Technical Review Committee ("TRC") is required under

the major subdivision review process. Review and approval of the final plat is done by the technical review staff.

(2) *Pre-application procedure.*

a. *Conference.* It is required that every applicant for a major subdivision meet with the designated staff in a conference prior to the submittal of a subdivision plat. The purpose of this conference is to provide clarification and assistance in the preparation and submission of plats for approval.

b. *Sketch plan.* A sketch plan shall be submitted to the development services department prior to or at the pre-application conference. Upon submittal of the sketch plan, the designated staff shall conduct an initial review to determine whether the proposed subdivision is a major subdivision.

c. *Neighborhood Meeting.* The developer is required to meet with representatives of the neighborhood in which the proposed project is located. This meeting is to allow the developer to explain the proposed project, be informed about neighborhood concerns, and explore opportunities to address those concerns in cooperation with the neighborhood. The meeting must be held in the pre-application stage no more than four months prior to the submittal date and must be at a location and time designed to allow interested neighbors to attend. It is recommended, but not required, that the developer retain a neutral third party to facilitate the meeting. The developer shall provide notice of the meeting by first class mail to all property owners within 200 feet at least ten days before the meeting. A written report of the meeting must be submitted with the major subdivision application.

(3) *Preliminary plat/site plan submittal.*

a. *Plat/Site plan(s) required.* A preliminary plat/site plan(s) for a proposed major subdivision shall be prepared by a professional land surveyor, licensed landscape architect, or licensed engineer and shall be prepared in accordance with the Unified Development Ordinance ("UDO"), the City of Asheville Standard Details and Specifications Manual, other applicable city ordinances, city policies and state law.

b. *Filing of application.* A complete application packet containing all information as required by the development services director shall be submitted according to the established schedule of the TRC prior to the technical review committee meeting at which it is to be reviewed.

c. *Public notification.*

1. Application. Notice of the major subdivision application shall be posted on the property at a conspicuous place at least seven (7) days prior to the TRC meeting at which the major subdivision application will be considered. The sign shall state the words "Notice of Technical Review Meeting" in letters at least six inches high and shall identify the means to contact the appropriate city official or website for information about the application.

2. Decision. No later than ten (10) days after a decision on the major subdivision application is made by the TRC, a copy of such decision

shall be mailed to property owners within 200 feet pursuant to Section 7-5-20(b)(2).

d. *Review and action at TRC.* The preliminary plat of a proposed major subdivision shall first be reviewed by the designated staff for compliance with these subdivision regulations and other applicable provisions. The designated staff shall then present the preliminary plat to the TRC at the next regular meeting of the TRC following receipt of the application. Review of the preliminary plat by the TRC shall be ministerial in nature, and limited to compliance with the regulations set forth in this UDO. The TRC may vote to approve, approve with conditions, or deny the preliminary plat. The preliminary plat decision is considered final on the date the TRC renders its decision.

Once the preliminary plat is approved, the applicant may proceed with infrastructure construction and final plat approval in accordance with such approval. If the preliminary plat is not approved, the TRC shall set forth in writing the reasons for denying approval of the plat.

e. *Approvals.* Approval of the preliminary plat for major subdivisions shall be valid for two years from the date of approval by the TRC. The final plat for the major subdivision shall be presented for approval prior to the end of this two-year period. Phased subdivisions shall be exempt from this time limit as set forth in this section, but are instead subject to the phasing schedule appearing in the approved preliminary plat. The applicant may request, in writing, adjustments of the approved schedule and the designated staff may grant extensions of up to 12 months for each phase.

(4) *Guarantee in lieu of construction of improvements.* In lieu of completion of construction of the required improvements and utilities prior to final plat approval, the property owner may submit to the city a performance guarantee as set forth in Article XV.

(5) *Final plat.* The final plat of a major subdivision shall be reviewed by the designated staff for compliance with the requirements of this chapter and for conformity with the approved preliminary plat. Substantial changes from the preliminary plat, as determined by the planning and development director, or their designee, shall require an additional review by the TRC, to ensure compliance with existing regulations. Provided the final plat is complete, and no further review is determined to be required, the designated staff shall act on the final plat of major subdivisions within thirty (30) days of receipt of the plat. Following final plat approval, the applicant shall record the plat for the major subdivision in accordance with this subsection. No lots in a subdivision shall be sold prior to approval by the city and recording of a plat for the subdivision.

a. *Recordation and signatures.*

1. *Signatures.* Upon approval of a final plat for major subdivisions, the plat shall be signed in the appropriate place by the designated staff and by the owner(s).

2. *Recordation.* A final plat for major subdivisions must be recorded in the office of the Register of Deeds for Buncombe County in compliance with the North Carolina General Statutes within 30 days following approval

by the city. No plat shall be considered finally approved until the plat has been recorded.

3. *Phasing.* Final plats for subdivisions developed in phases shall be recorded in accordance with the schedule set forth in the preliminary plat and approved by the TRC. The applicant may request, in writing, adjustments of the approved schedule and the designated staff may grant extensions of up to 12 months for each phase.

(6) *Acceptance of rights-of-way and easements.* The approval of a final plat does not constitute acceptance for maintenance or other purposes of improvements in rights-of-way, such as utility lines, street paving, drainage facilities, or sidewalks. Such improvements, when located within the corporate limits of the City of Asheville, may be accepted only by action by the City of Asheville City Council following inspection and approval.

(7) *Open space dedication and acceptance.* Land designated as public open space or a park on a plat shall be considered to be offered for dedication but not accepted until the Asheville City Council has by express action done so. Until such dedication has been accepted, such areas may be used for open space purposes by its owner or by an association representing owners of lots within the subdivision. Land so offered for dedication shall not be used for any purpose inconsistent with the proposed public use without the approval of the Asheville City Council.

(b) *Minor subdivisions.*

(1) *Purpose.* The minor subdivision review process is required for those divisions of land into two or more lots which do not require the extension of public streets or private streets built to City of Asheville standards. Review and approval of the subdivision plat by the staff permits a speedy review while insuring that the proposed subdivision meets all requirements established by the City of Asheville.

(2) *Pre-application conference.* It is recommended that every subdivision applicant meet with the designated staff in a conference prior to the submittal of a subdivision plat. The purpose of this conference is to provide clarification and assistance in the preparation and submission of plats for approval.

(3) *Plan submittal.*

a. *Plan required.* Plats for minor subdivisions shall be prepared by a professional land surveyor in accordance with all applicable city standards, including those set forth by the UDO, the City of Asheville Standard Details and Specifications Manual, other applicable city ordinances, city policies and state law.

b. *Filing of application.* Plats and a complete application packet containing all information established by the development services director for minor subdivisions shall be submitted to the development services department.

(4) *Staff review.* The plat for a proposed minor subdivision shall be reviewed by the designated staff for compliance with these subdivision regulations and other applicable provisions. The review shall also include compliance by the plat with other ordinances and regulations of the City of Asheville.

Provided the application is complete, the planning and development director shall take action on the plat of the proposed minor subdivision within ten working days of its submittal. Following approval, the applicant shall record the plat for a minor subdivision in accordance with this subsection.

(5) *Public notification.* No public notification is required for minor subdivision review.

(6) *Final plat approval.*

a. *Recordation and signatures.*

1. *Signatures.* Upon approval of a plat for minor subdivisions, the plat shall be signed in the appropriate place by the designated staff and by the owner(s).

2. *Recordation.* A plat for minor subdivisions must be recorded in the office of the Register of Deeds for Buncombe County in compliance with the North Carolina General Statutes within 30 days following approval by the city. No plat shall be considered finally approved until the plat has been recorded. No lots in a subdivision shall be sold prior to approval by the city and recording of a plat for the subdivision.

(c) *Fees.* For all categories of subdivision, fees as established by the City of Asheville Fees and Charges Manual shall be due and payable when the application is submitted.

(d) *Appeals.* All appeals from preliminary and final plat approvals shall be to Buncombe County Superior Court in accordance with State law.

(e) *Violations.* Violations of the provisions of this section shall be subject to the enforcement and penalty provisions set forth in article XVIII of this chapter.

c. Sec. 7-15-1 is amended by replacing it in its entirety with the following:

(a) *Purpose.* The regulations for the subdivision of land set forth in this Article are established to promote orderly growth and development; provide for suitable residential and nonresidential subdivisions with adequate streets, utilities and appropriate building sites; provide for the coordination of streets within subdivisions with existing or planned streets and with other public facilities; provide for the dedication or reservation of rights-of-way or easements for streets and utility purposes; and provide proper land records for the convenience of the public and for better identification and permanent location of real property boundaries.

(b) Subdivision means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets.

(1) *Divisions of land exempt.* The following divisions of land are not included within the definition of "subdivision", and are not subject to the city's subdivision regulations.

a. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the

resultant lots are equal to or exceed the standards of the city as shown in the city's subdivision regulations;

b. The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;

c. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors;

d. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the city as shown in the city's subdivision regulations; and

e. The subdivision or recombination of land by public utilities for utility purposes or use.

(2) *Determination and certification of exemption.* The determination of whether a division of land is exempt from the definition of subdivision shall be made by the designated staff upon application of the property owner or agent, with supporting documentation (maps, plats, etc.), as needed. Upon a determination by the designated staff that the proposed subdivision is exempt, a certificate of exemption shall be issued, and the subdivision shall not be subject to the city's subdivision regulations.

(3) *Effect of certification of exemption.* Divisions of land found to be exempt from the definition of subdivision are not required to meet the city's subdivision regulations. However, a building or zoning permit may only be issued with respect to a lot that has been created by an exempt division if said lot meets the standards for development set forth elsewhere in this chapter. Where a regulation is contained both in this article and elsewhere in this chapter, although the regulation need not be met prior to property division and recordation, the lot in question must comply with said regulation before a building or zoning permit may be issued for the property.

(c) *Coordination with other requirements.* When applications for other approvals are required for the subdivision, applications for these approvals may be submitted simultaneously with the initiation of the subdivision approval process to reduce the time required to secure all necessary approvals. Application forms as required for other approvals may be obtained from the development services department.

(d) *Plan submittal.* Applications for subdivision approval shall be submitted to the Development Services department and must include plats with all information as required by this Chapter and the designated city departments. Applications for subdivision shall be filed in accordance with section 7-5-8 of this chapter.

(e) *Approval required.*

(1) *Date of compliance.* After the effective date of this chapter, no plat for the subdivision of land within the City of Asheville shall be filed, accepted for recording, or recorded, nor shall the County Register of Deeds or Clerk of Superior Court order the recording of a plat until it has been submitted to the city and approved as set forth herein. The signature of the designated staff on the plat shall signify conformance with the requirements set forth in this chapter.

(2) *No conveyance without approval.* No real property lying within the City of Asheville shall be subdivided until it conforms to all applicable sections of this chapter and other applicable law. Violations of this article shall be subject to the enforcement and penalties set forth in Article XVIII. Any sale or transfer of land in a subdivision subject to these regulations by reference to an unapproved plat or the use of a metes and bounds description shall be considered a violation of this chapter.

(3) *Designation of approval agency.* The City of Asheville Planning and Urban Design Department is designated as a planning agency for the purposes of N.C. Gen. Stat. sec. 160A-373. The Planning and Urban Design director or his/her designee shall be authorized to sign the plat signifying final approval of subdivisions.

(4) *Dedication and acceptance of public areas.*

a. *Rights-of-way and easements.* The approval of a final plat does not constitute acceptance by the city of the dedication of any street or other ground, public utility line or other public facility shown on the plat. When located within the corporate limits of the City of Asheville, such dedications may be accepted only by resolution of the Asheville City Council following inspection and approval. Until the offer of dedication is accepted by the city in either of these manners, the property owner shall be responsible for maintenance of those areas.

b. *Open space.* Land designated as public open space or a park on a plat shall be considered to be offered for dedication, but not accepted until the Asheville City Council has by express action done so. Until such dedication has been accepted, such areas may be used for open space purposes by its owner or by an association representing owners of lots within the subdivision. Land so offered for dedication shall not be used for any purpose inconsistent with the proposed public use without the approval of the Asheville City Council.

(f) *Street and utility construction.*

(1) *Plans.* Construction plans for all street, water, sanitary sewer, and stormwater facilities shall be submitted to the Development Services Department consistent with preliminary plat approval. The street and utility construction plans for each subdivision, or portion thereof, shall include all improvements lying within or adjacent to the subdivision as well as improvements to all streets and water and sanitary sewer lines lying outside the subdivision which provide service to the subdivision. No final plat shall be approved until all improvements have been installed and approved or a guarantee accepted.

(2) *No construction without plan approval.* No improvement to or new construction of street, water, sanitary sewer, and stormwater facilities shall be permitted until the street and utility construction plans for such improvements/construction have been reviewed and approved by the designated city departments and appropriate governmental agencies. These agencies may include, but shall not be limited to, the Metropolitan Sewerage District, the North Carolina Department of Transportation, and the Division of Environmental Management of the North Carolina Department of Environment, Health and Natural Resources, or their successors.

(3) *Inspection of construction.* All construction undertaken pursuant to approved street and utility construction plans shall be inspected and approved by the City of Asheville and/or the appropriate governmental agencies.

(4) *Guarantee in lieu of construction of improvements.* In lieu of completion of construction of the required improvements and utilities prior to final plat approval, the property owner may submit a performance guarantee approved by the city, including but not limited to, a performance bond from a corporate surety, licensed in North Carolina to execute such bonds, or an irrevocable letter of credit payable to the City of Asheville, either of which shall be in an amount equal to 125 percent of the estimated cost of the installation of the required improvements, as determined by the city. The performance guarantee shall secure the completion of construction of the improvements shown on the approved preliminary plat. The performance guarantee shall remain in full force and effect until such time as the construction of improvements and installation of utilities are completed and accepted by the City of Asheville. Failure to maintain the required performance guarantee shall result in the revocation of the approval of the preliminary plat and any permits issued as a result of the preliminary plat approval.

Failure to initiate construction of the improvements within one year of the date the performance guarantee was accepted by the city shall result in the city constructing the improvements, with the cost to be paid from the performance guarantee. In the event that the amount of the performance guarantee is insufficient to pay for the completion of the improvements, the property owner shall remain responsible and shall pay to the city the total amount of the insufficiency and if the city is not paid, the amount of the insufficiency shall constitute a lien on the property in favor of the city.

(g) *Maintenance of common areas.* Where subdivisions have common areas or facilities serving more than one dwelling unit, the developer shall be responsible for the maintenance of these common areas and facilities. This responsibility may be transferred to another entity, provided the developer prepares and records a document showing the transfer of the property and the maintenance responsibilities to a successor. In such case, the successor shall be responsible for the maintenance of the common access and facilities.

(h) *Recordation of final plat.* A final plat must be recorded in the office of the Register of Deeds for Buncombe County in accordance with the process outlined in section 7-5-8 of this chapter.

(i) *Subdivision standards.* All proposed subdivisions must meet the following standards:

(1) *Lots.* All lots shall conform to the following:

a. *Conformance to other regulations.* Every lot shall conform with all city ordinances, including but not limited to, regulations governing area, dimensions, and street access.

b. *Lot lines and drainage.* Lot boundaries shall be made to coincide with natural and pre-existing manmade drainage ways to the extent practicable to avoid the creation of lots that can be built upon only by altering such drainage ways.

c. *Buildable area.* Lots or parcels shall not be unreasonably shaped and shall be made to contribute to the buildable area of a lot. Unless otherwise allowed by this chapter, no subdivided lots may contain portions less than 15 feet wide. Additionally, portions of a lot that are less than 26 feet wide and longer than 25 feet will be excluded from the minimum lot area.

d. *Lots on major thoroughfares.* Residential lots in subdivisions shall not be entered from major thoroughfare streets.

e. *Access requirements for all lots.* Every new lot shall have access on a publicly maintained street or privately maintained street built to city standards. Each lot in subdivision shall meet the access requirements set forth in this chapter.

f. *Lot boundaries.* Lot boundaries must be contiguous with street right-of-way boundaries and shall not extend to the center of public streets. However, land to be subdivided which has existing property lines extending into street rights-of-way or into streets may continue to show the existing property lines extending into street rights-of-way or into streets. Areas in the public right-of-way shall not be used to calculate compliance with minimum lot size requirements.

(2) *Landscaping and buffering.* Landscaping shall be provided in the proposed subdivision as required by this chapter. Preservation of existing trees is encouraged.

(3) *Open space.* Open space as required by this chapter and other applicable ordinances and regulations of the City of Asheville shall be provided in the proposed subdivision.

(4) *Naming of streets and subdivisions.* New streets shall be named in accordance with the standards outlined in Chapter 16 of the Code of Ordinances of the City of Asheville. In addition, subdivision names or identification shall not duplicate or closely approximate phonetically the names of existing streets and subdivisions in the City of Asheville and must be approved by the emergency address coordinator.

(5) *Streets.* All streets must comply with the requirements of all other applicable city adopted plans and manuals including, but not limited to, the City of Asheville Standard Specifications and Details Manual.

(6) *Utilities.* All utilities must comply with the requirements of all other applicable city adopted plans and manuals including, but not limited to, the City of Asheville Standard Specifications and Details Manual. In addition:

a. *Major subdivisions.* An appropriate easement, of the width required by the utility company/agency, shall be provided for utilities including, but not limited to, electric service, telephone service, cable television service, sewer lines, and waterlines within the subdivision. The location of the easements and the physical relation of all utilities within the easement shall be delineated in the final plat. Placement of all utilities in a common easement is encouraged when such placement does not conflict with the requirements of other utilities.

b. *Minor subdivisions.* Utility easements shall be provided as required by the approving agency.

(7) *Water supply for fire protection.*

a. Water supply for fire protection shall be provided as required by the Asheville Fire Prevention Code.

b. Size, type, and installation of hydrants shall conform to the specifications set forth in the City of Asheville Standard Specifications and Details Manual.

(8) *Stormwater management.*

a. Design of the stormwater management system shall be consistent with the City of Asheville's stormwater regulations, as set forth in this chapter.

b. The stormwater management system design shall comply with the specifications set forth in the stormwater section of the City of Asheville Standard Specifications and Details Manual.

(9) *Flood standards.*

a. All subdivision proposals shall comply with the requirements of the city's flood protection regulations set forth in this chapter.

b. All subdivision proposals shall have the public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage as required by those utilities.

c. Base flood elevation data shall be provided for subdivision proposals whenever any portion of the project site is located within a designated flood hazard area.

d. Preliminary and final plats shall note the location of floodplain and floodway boundaries and the 100-year flood elevation.

(10) *Steep slope ridge top development.* All subdivision proposals within the City of Asheville shall be consistent with the requirements of the city's hillside development regulations set forth in this chapter.

(11) *Electrical utilities.* Electrical lines shall be installed underground unless inconsistent with flood protection requirements.

(12) *Placement of monuments.* The Standards of Practice for Land Surveying in North Carolina, as adopted by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, shall apply when conducting surveys.

(j) *Phased development.* Subdivisions may be designed to be platted and constructed in phases. A plan for phased development must be approved by the TRC. The plan must provide for: the provision of adequate public facilities to support each and every phase independent of the overall subdivision plan; and access and water supply for fire protection must be present for each phase to the extent required by the Asheville Fire Prevention Code. In approving the phases, the TRC may require that additional streets, water and sewer facilities, or other required public facilities be constructed as part of the phase or phases to ensure that sufficient public facilities will be in place to support each phase or phases independent of any future subdivision development.

Section 2: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining

portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3: All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4: This ordinance will become effective upon adoption.

Read, approved, and adopted this the 12th day of April, 2016.

Magdalen Bunleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bunleson
City Clerk

274

ORDINANCE NO. 4493

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 26th day of April, 2016.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Budget amendment in the amount of $290,000.00 to establish the capital budget for Carrier Park improvements.

Magdalen Burleson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date: 4/26/2016
2. Fiscal Year: 2015-16

3. Amendment to Operating ____ and/or Capital Project _x___ appropriation.

Parks — 4. Requesting Department
3/22/2016 — 5. Today's Date
6. Department Head Signature

7. Comments/Purpose: to budget funding for Carrier Park contract in General Capital Projects Fund

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
General Fund:				
Contracted Services				
11008003 521001	$515,049.21	$438,066.98	$225,049.21	($290,000.00)
Transfer to Capital Projects				
11098003 800410	$0.00	$0.00	$290,000.00	$290,000.00
General Capital Projects Fund				
Revenue:				
Transfer from General Fund				
41090803 498100 R1406	$0.00	$0.00	$290,000.00	$290,000.00
Expenditures:				
Construction				
41000803 616102 R1406	$250,000.00	$0.00	$540,000.00	$290,000.00

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:
16. Ordinance Number:
17. Date Received in Budget & Research:
18. Date Sent to City Clerk:

19. Date Posted:
By:
Sheet #:

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

276

ORDINANCE NO. 4494

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 26th day of April, 2016.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Asphalt Paving Impvts -
Fiscal Year 2016

Magdalen Burleson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2015-16

3. Amendment to Operating ____ and/or Capital Project _x___ appropriation.

Capital Projects	4/26/2016	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: to budget funding for paving program

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
General Capital Projects Fund				
Revenue:				
Sales & Services				
41003002 450000 K1601	$0.00	$13,187.60	$13,187.60	$13,187.60
Transfer from General Fund				
41093002 498100 K1601	$0.00	$0.00	$97,330.00	$97,330.00
Expenditures:				
Infrastructure				
41003002 615101 K1601	$1,785,000.00	$1,785,000.00	$1,895,517.60	$110,517.60
General Fund				
Expenditures:				
Professional Services				
11000310 521002	$97,330.00	$97,330.00	$0.00	($97,330.00)
Transfer to Gen Cap Proj				
11090060 800410	$150,000.00	$37,500.00	$247,330.00	$97,330.00
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

278

ORDINANCE NO. 4495

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 26th day of April, 2016.

Magdalen Bullock
City Clerk

Edwin A. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Purchase of one van on behalf of Henderson County's Apple Country Transit System under grant NC-90-X395.

Magdalen Bullock
City Clerk

City of Asheville			1. Effective Date:	4/26/2016
Budget Amendment			2. Fiscal Year:	2016
3. Amendment to Operating ____ and/or Capital Project X appropriation.				
TRANSPORTATION		4/18/2016	[signature]	
4. Requesting Department		5. Today's Date	6. Department Head Signature	
7. Comments/Purpose: REVISED	To purchase a van for Henderson County's transit system			
	Grant-NC90-X395			
	9. Beginning	10. Account	11. New	12. Increase or
8. Account Number	Budget	Summary Balance	Budget	Decrease By
Revenue:				
State Grant 16-90-395				
65100950-437000-T1402	0.00	$0.00	$5,112.00	$5,112.00
County Participation - Henderson County				
65100950-437000-T1402	15,882.00	$15,882.00	$16,003.00	$121.00
Expenditure:				
Machinery & equipment				
65100950-614101-T1402	53,928.00	$53,928.00	$59,161.00	$5,233.00
		13. Balance of Transaction:		0.00
14. Information below is to be completed by Budget & Research and City Clerk's office.				
15. Budget & Research Approval:			19. Date Posted:	
16. Ordinance Number:			By:	
17. Date Received in Budget & Research:			Sheet #:	
18. Date Sent to City Clerk:				
Must be received by Budget & Research 14 days prior to the City Council Meeting.				

280

ORDINANCE NO. 4496

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 50 WILBAR AVENUE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City and is determined to be to be reasonable and in the public interest for the following reasons:

a) expands affordable and workforce housing choices in the city;
b) supports smart growth by increasing density and improving transportation and pedestrian infrastructure; and
c) promotes community involvement and strategic partnerships.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

> The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9648-36-5793, recorded in Deed Book 689, Page 379 and currently owned by the Asheville Housing Authority from Residential Multi-Family High Density (RM-16) to Urban Place - Conditional Zoning District (UP CZ). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B:1", and substantially complies with the site plans shown in Exhibit C, both attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 26th day of April, 2016.

Magdalen Bullock
City Clerk

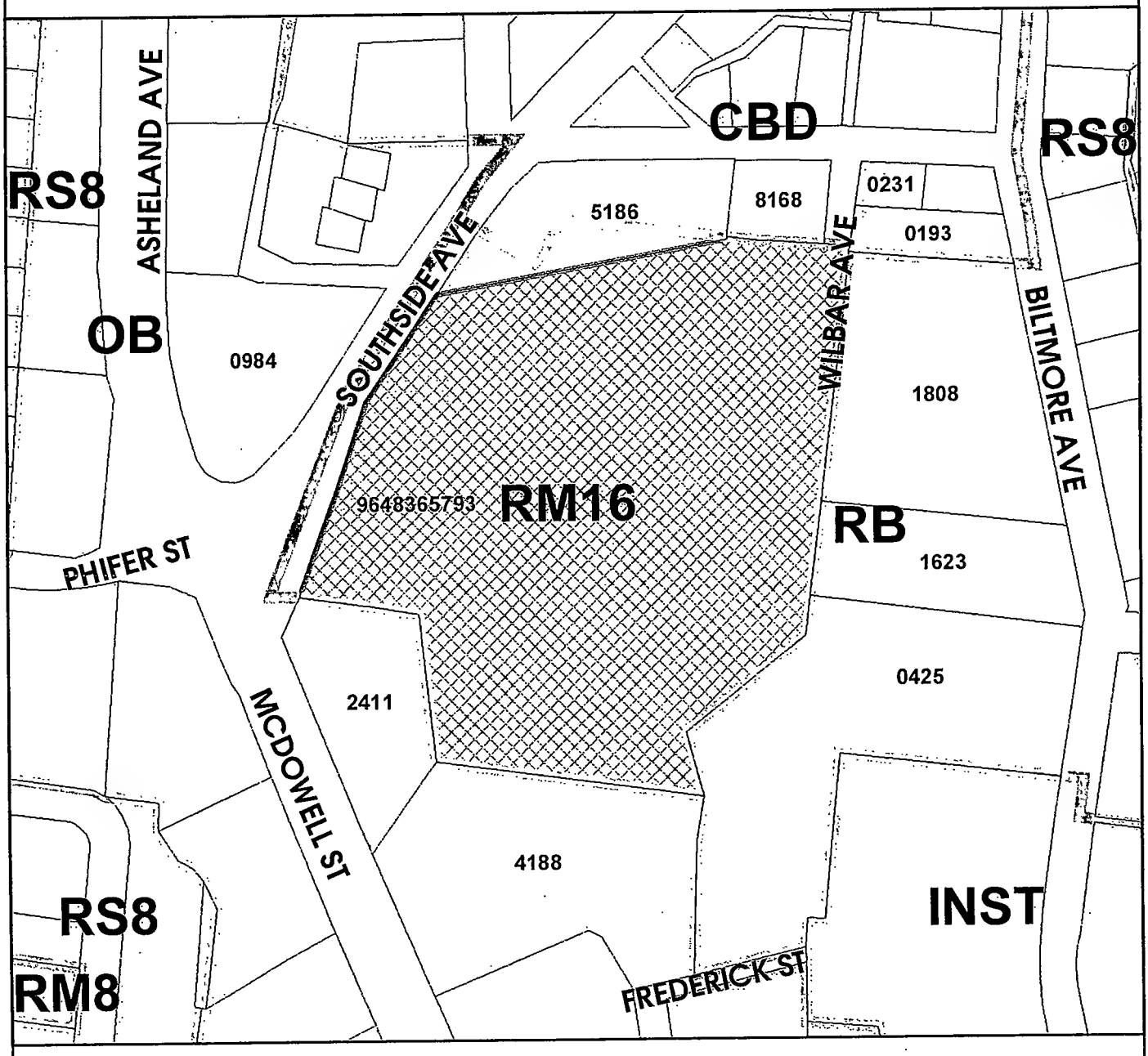
Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

City of Asheville - Exhibit A Map
50 Wilbar Avenue



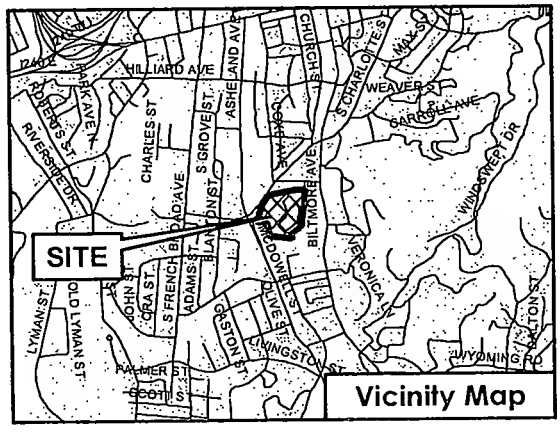
Project Name: Lee Walker Heights
Project Number: 16-02374 PZ
Project Description: Conditional Zoning Request

Petitioner(s): Asheville Housing Authority
Parcel ID Number(s): 9648-36-5793

Location/Address: 50 Wilbar Avenue

Project Site
Parcels
Zoning Districts
Asheville City Limits

City of Asheville Department of Planning & Urban Design - March 2016



50 Wilbar Ave. (Lee Walker Heights) – Multifamily Development

Exhibit B.1 – Conditions List

1. The zoning for the site is Urban Place – Conditional Zone (UP-CZ).
2. There shall be 199 units contained within seven buildings, built in two phases.
3. Buildings will range from two to four-stories and from 13,000 to 120,000 square feet.
4. Residential, street facing facades shall provide openings (doors, windows, balconies, etc.) totaling a minimum 20% of the façade's surface area.
5. Ground level, non-residential, street facing facades shall provide openings (doors, windows, curtain walls, etc.) totaling a minimum 40% of the façade's surface area.
6. Building 2 shall be setback a maximum of 16-32 feet from the road right-of-way; Building types 3 and 4 shall be setback a maximum of 15-25 from the road right-of-way in conformance with the site plan.
7. There shall be 10,975 square feet of non-residential space located in Buildings 1 and 2.
8. Required landscaping includes street trees, building impact, street buffer and parking lot landscaping, along with dumpster screening in conformance with the site plan.
9. The project will provide open space in excess of the minimum 5% (0.58 acres) which includes natural areas and both passive and active recreation areas.
10. The project will retain the existing wooded buffer on the west side of the property, and other pockets of existing vegetation on the south and east sides of the property in conformance with the site plan.
11. At least 96 units will be affordable to households earning at or below 60% of the Area Median Income (AMI) for a minimum period of 30 years.
12. A 50-foot right-of-way and new road shall be extended through the project area, including on-street parking spaces, in conformance with the site plan.
13. 10-foot back of curb sidewalks shall be located along either side of Walker Plaza Ave. and along the west side of the first 680-feet of Lee Garden Ave. in conformance with the site plan.

14. 6-foot back of curb sidewalks shall be located along one side of the remainder of Lee Garden Ave. in conformance with the site plan.

15. Other pedestrian connections and public gathering areas including: courtyards, a playground, sports courts and a community garden are included in the project and will be in conformance with the site plan.

16. A combination of on-street and off-street surface parking will meet the minimum off-street parking requirements of the development.

17. The existing Wilbar Ave. shall be given a different name that is acceptable to the City's Emergency Addressing Coordinator.

18. The site and building design, construction materials, orientation and layout must substantially comply with the site plan and building elevations (attached hereto) and incorporated by reference. Any major deviations from these plans will result in reconsideration of the project by the reviewing boards.

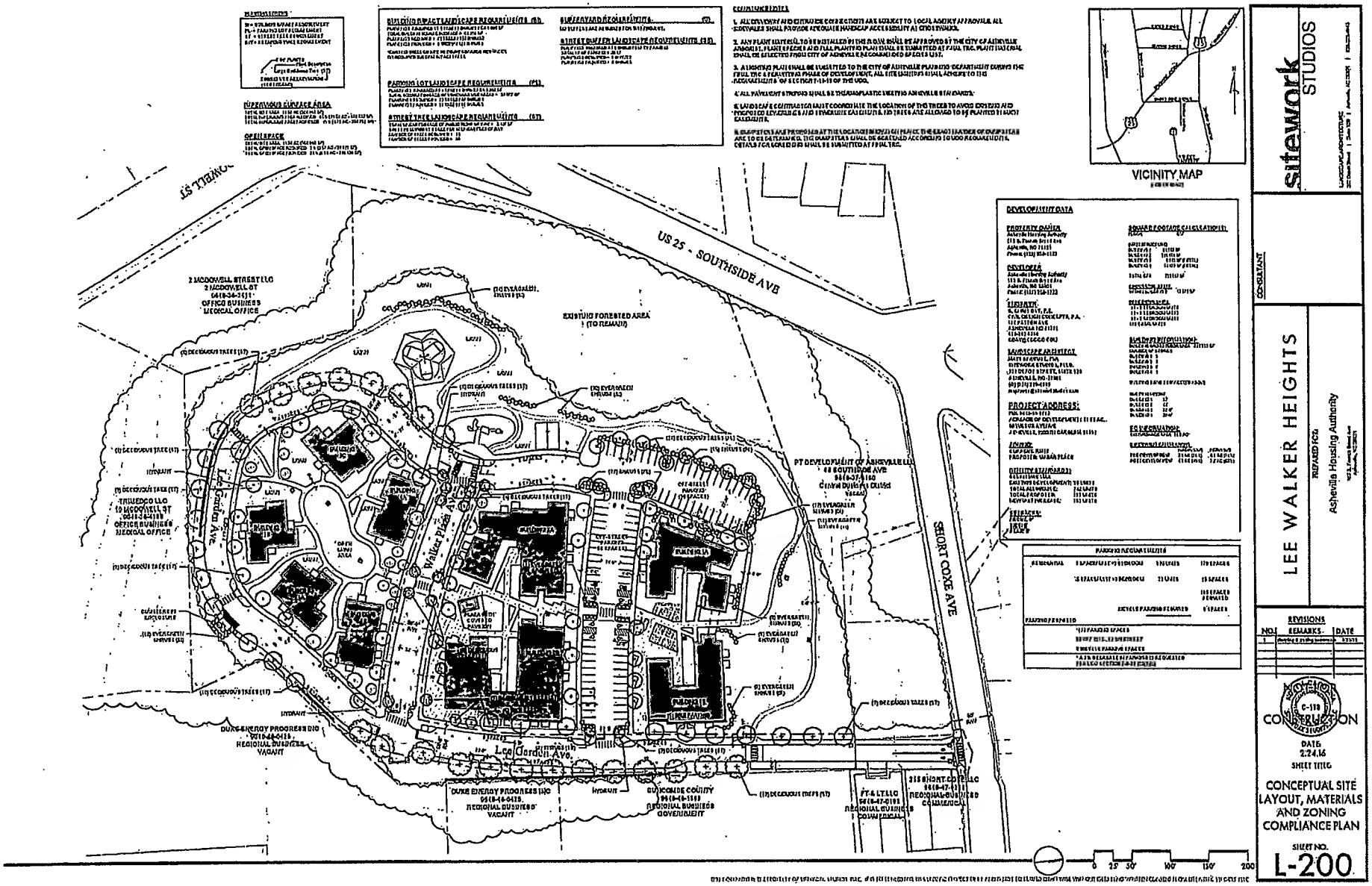


Exhibit "C" page 1 of 2

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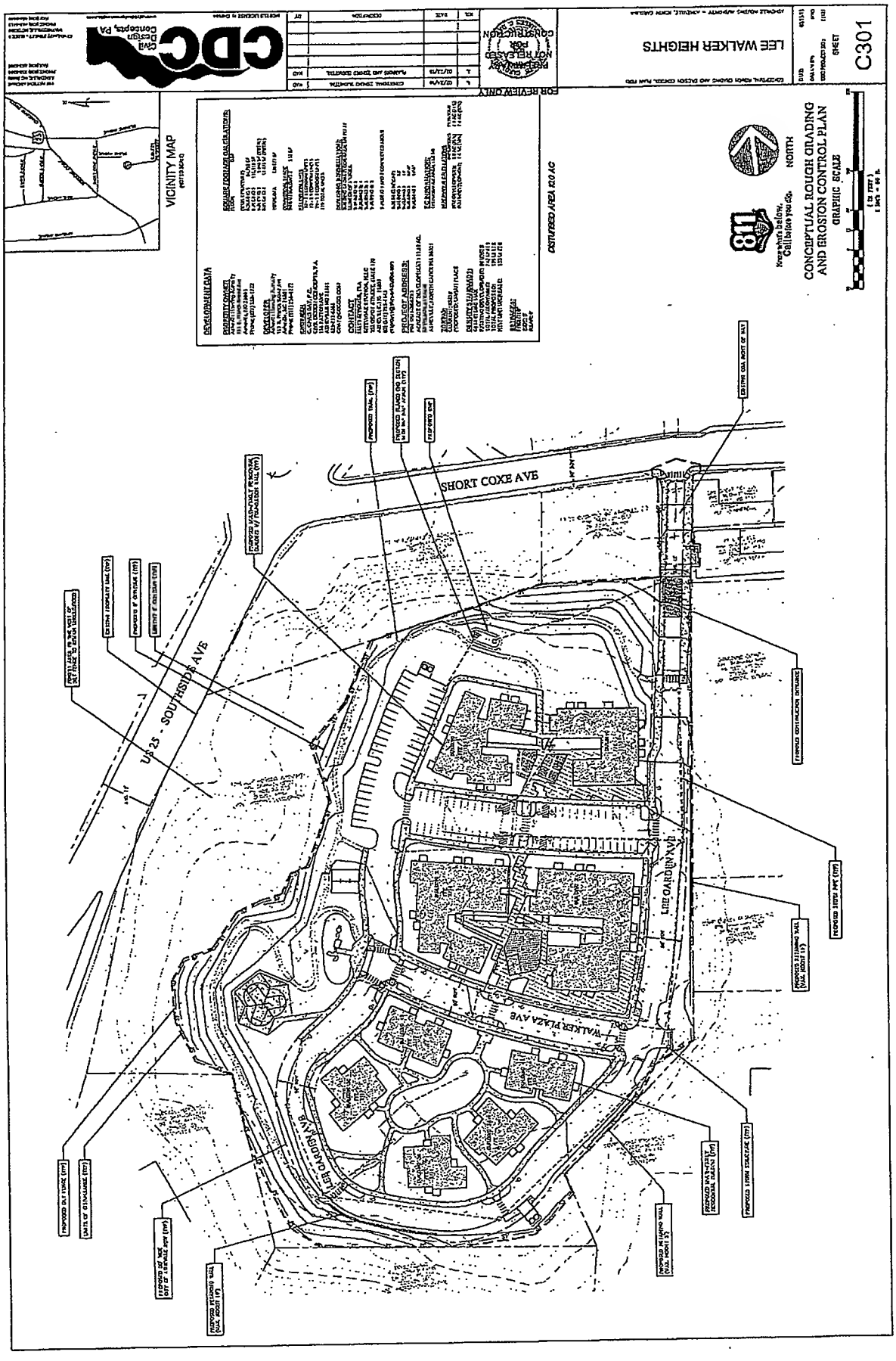

LEE WALKER HEIGHTS
C301
CONCEPTUAL ROUGH GRADING AND EROSION CONTROL PLAN
GRAPHIC SCALE
NORTH
VICINITY MAP
DISTURBED AREA ±10 AC
FOR REVIEW ONLY
SHORT COXE AVE
US 25 - SOUTHSIDE AVE
WALKER PLAZA AVE
BAY MEADOWS BLVD

ORDINANCE NO. 4497

ORDINANCE REPEALING CITY ORDINANCE NO. 1840 AND ORDINANCE NO. 2032, AUTHORIZING THE GENERAL OPERATION AND REGULATION OF HORSE-DRAWN CARRIAGES ON THE STREETS OF THE CITY

WHEREAS, the Asheville City Council adopted Ordinance No. 1840 on August 28, 1990 and Ordinance No. 2032, on June 15, 1993, authorizing the general operation and regulation of horse-drawn carriages on the streets of the City; and

WHEREAS, at its meeting on March 8, 2016, based on concerns expressed by citizens, the Governance Committee recommended that the aforementioned ordinances allowing general operation of horse-drawn carriage businesses be repealed, but also recommending that the one existing horse-drawn carriage business, Asheville Horse & Carriage, LLC, be allowed to continue operation under an individual franchise agreement ordinance; and

WHEREAS, the City Council agrees that it is in the best interests of the City to repeal the general horse-drawn carriage ordinance but allow such a business under an individual franchise agreement ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Ordinance No. 1840 and Ordinance No. 2032, codified as Chapter 18, Article IV., Sections 18-91 through 18-120, of the Code of Ordinances of the City of Asheville, authorizing the general operation and regulation of horse-drawn carriages on the streets of the City, is hereby repealed.

Section 2. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4. This ordinance shall take effect on May 30, 2016.

Read, approved and adopted this 26th day of April, 2015.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:
CITY ATTORNEY

Magdalen Burleson
City Clerk

ORDINANCE NO. 4498

ORDINANCE GRANTING A FRANCHISE TO OPERATE A HORSE DRAWN CARRIAGE BUSINESS WITHIN THE CITY OF ASHEVILLE

WHEREAS, the City of Asheville (herein "City") has the authority pursuant to G.S. 160A-296 to control the use of streets and sidewalks within the city; and

WHEREAS, the City of Asheville has the authority pursuant to G.S. 160A-76 to grant franchises; and

WHEREAS, on April 26, 2016 the City of Asheville repealed Ordinance 1840 adopted in 1990 and Ordinance No. 2032 adopted in 1993 which permitted the general operation of horse-drawn carriages within the City; and

WHEREAS, under the authority granted by the aforementioned Ordinance, Asheville Horse and Carriage Tours, LLC has successfully operated a horse drawn carriage business since August 2013 and was in full compliance with all the rules and regulation of the City Code; and

WHEREAS, the City Council desires to allow Asheville Horse and Carriage Tours, LLC to continue to operate its horse-drawn carriage business; and

WHEREAS, the City has determined that it is in the public interest to permit the operation of said business on the City's streets, subject to certain terms and conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Asheville Horse and Carriage Tours, LLC (herein "AH & C" or alternatively "horse drawn carriage company"), is hereby granted a franchise to operate a horse drawn carriage business on the streets of the City of Asheville subject to the following terms and conditions:

1. Route: The horse-drawn carriage(s) shall be allowed on city streets along only those routes as approved, in advance of their use, by the City. In addition, all streets designated as a US or State street must have NC DOT approval to be included in the route. The operation of the horse-drawn carriage shall be designed so as to minimize traffic impacts upon the general circulation of vehicular and pedestrian traffic of the City. The horse-drawn carriage shall not load or unload passengers in any area other than the carriage stand. The approved route is attached hereto at **Exhibit A**.

2. Stops: Horse-drawn Carriage stops may not exceed three minutes on any public right-of-way, except as necessary for emergencies or with the written permission of the City Traffic Engineer. All service stops shall be made in a way to minimize any possible disruption to the flow of vehicular traffic. The City has designated a Carriage Stand, where the horse and carriage may stand while not in service, as shown on the above referenced route map. AH & C shall maintain the Carriage Stand in a clean and sanitary condition at all

times and shall ensure that drivers/operators do not leave carriages unattended at any time while waiting to be hired.

3. Operating times/frequency: For all operations, the hours of operation shall be Monday thru Friday, between 9:00 AM and Midnight, except that during weekdays no carriage shall be operated in the central business district during the hours of 11:30 AM to1:30 PM and 4:45 PM to 5:30 PM; Saturday and Sunday and Holidays, between 9:00 AM and Midnight. City reserves the right to change these approved hours at its sole discretion, provided that AH & C is given a 30 day notice of such change. Horse-drawn carriages are prohibited from operating in any City approved festival or special event area where the roadways are blocked except with written permission from the event organizer.

4. Term: The term of this Franchise shall be limited to a period of two (2) years from the date of this ordinance adoption, subject to the Revocation/Termination provisions of Paragraph 15 of this Ordinance.

5. Insurance: AH & C shall maintain Commercial General Liability insurance, including coverage for contractual liability, liability from independent contractors, property damage liability, bodily injury liability, and personal injury liability with limits of not less than $1,000,000 per occurrence, and $1,000,000 annual aggregate. The coverage shall be written on an occurrence basis. Unless otherwise agreed, at all times during the term of this Franchise, AH & C shall maintain statutory Workers' Compensation insurance in accordance with the laws of North Carolina. AH & C shall also maintain Employers' Liability insurance with limits of not less than $500,000 per accident and $100,000 each employee for injury by disease. In the event of bodily injury or property damage loss caused by AH & C's negligent acts or omissions in connection with the horse drawn carriage operation associated with this Agreement, AH & C's Liability insurance shall be primary with respect to any other insurance which may be available to the City, regardless of how the "Other Insurance" provisions may read. AH & C shall submit copies of all said policies and a certificate of insurance naming the City as an additional insured for the approval of the City's Risk Manager. Approval from the City's Risk Manager shall be obtained prior to beginning any operation in the City of Asheville.

   AH & C shall submit copies of said insurance policy and a certificate of insurance for approval to the City's Transportation Director prior to starting operations in the City of Asheville.

6. Indemnity: By commencing operation under this Agreement, the AH & C agrees to indemnify and hold harmless the City, its officers and employee's, against any and all liability, loss, damages or expenses including personal injury, property damage, or other damage arising from or in connection with any of the company's operations, including operation of the horse-drawn carriage service under this Agreement, and its insurance policy shall name the City as an additional insured to this effect.

7. Number of Carriages: It is agreed that AH & C may operate two (2) horse-drawn carriages. Additional carriages may be permitted with express approval by the City. AH & C plans to utilize up to three (3) horses in this business. The exact number and names of the horses, along with other means of identification for each such as a tattoo or microchip, shall be provided to the Transportation Director.

8. Horse-drawn Carriage Equipment/Condition of Vehicles: AHC may determine whatever carriage model(s) it sees fit to use, provided that all carriages shall include operable turn signals, operable lights or lanterns and reflectors when used during the hours of darkness. The turn signals, lights, and reflectors shall be mounted so that they are visible from any direction for a distance of at least 1,000 feet. Each carriage shall have on board at all times a fire extinguisher and a first aid kit. Each carriage shall be kept painted and in a clean and sanitary condition, free of litter and debris and at all times suitable for public transportation of passengers. Each carriage must be inspected for compliance of safety and overall appearance and shall pass the Transportation Director's, or his designee, inspection before being used to carry passengers. The carriage must be re-inspected once every six-months. When the carriage is involved in an accident, the horse-drawn carriage business owner shall immediately file a report of the accident with the Transportation Director. The Transportation Director, or his designee, shall inspect each carriage before it is returned to service. This inspection shall include:
   - Body condition
   - Reflectors;
   - Grab handles;
   - Traces;
   - Harness;
   - Seats;
   - Wheels;
   - Top (if applicable);
   - Shafts;
   - Steps;
   - Brakes;
   - Lights or lanterns, an any vehicle to be operated at night;
   - Turn signals.

9. Standards for Drivers/Operators: The horse-drawn carriage company provide the name of all drivers/operators of the business to the Transportation Director and shall certify in writing to the that each driver has a valid North Carolina Class "C" driver's license, is medically fit to operate the carriage and has submitted a complete criminal background check. Additionally, the horse-drawn carriage company shall certify in writing that each driver has successfully completed an apprenticeship of at least 40 hours with horse-drawn carriages, which includes, but is not limited to: the proper method of fitting a harness to a horse and hitching and unhitching a properly harnessed horse; has ridden with a driver permitted hereunder during the first 24 hours of the apprenticeship to observe the proper handling and driving of a horse-drawn carriage and has been trained in emergency situations for unexpected

animal behavior; has driven horse-drawn carriage under the supervision of a driver permitted hereunder for the last 16 hours of the apprenticeship; and is familiar with the traffic regulations and designated horse-drawn carriage routes. In lieu of the apprenticeship requirements, AH & C may submit a sworn affidavit from each driver stating that he/she has had previous experience driving a horse-drawn carriage, exceeding 40 hours therein, including a detailed description, satisfactory to the Transportation Director, of that experience. Drivers with convictions for driving while impaired, controlled substance offenses and sex offenders are prohibited from operating a horse-drawn carriage within the City limits.

10. Health and Safety of the Animals: AH & C shall present to the Transportation Director **every four (4 months)** beginning with the date of this Agreement**, a certificate by a Veterinarian licensed in the State of North Carolina, for each horse or other beast of burden owned and identified by such Operator for its horse-drawn business, certifying that each horse or other animal has been examined and that the same is in good health and able to draw the horse-drawn carriage(s) to which it is assigned without endangering the health of such horse or other animal.** The certificate shall be carried by the carriage operator at all times. In the event of failure to present a certificate for each such horse, the AH & C shall not be able to use in the horse-drawn carriage business any horse for which a certificate is not presented. AH & C shall provide contact information for its Veterinarian to the Transportation Director and shall make the Veterinarian aware, and grant permission for, the City to contact them as needed to obtain additional information on the health of the horse(s). Additionally, AH & C agrees that if the City requires its Veterinarian to make a site visit to check on the condition of a horse, all costs associated with this visit shall be the responsibility of AH & C.

The Transportation Director, or his or her designee, may from time-to-time inspect the animals in order to determine compliance with the following:

A. No single animal shall pull a carriage holding more than six adults, not including the driver.
B. Unless written approval is given by a licensed veterinarian, no animal having open sores or wounds or any disease or ailment shall be permitted to be in service on the streets of the City.
C. Each animal shall have all hooves properly trimmed and shod for street surfaces, with the horse shoes to be a type approved by a veterinarian and be poly-urethane shoes designed to keep the animal from slipping on the pavement; provided, however, the Transportation Director or his designee, may determine that another horse shoe proposed by the permit holder is adequate to keep the animal from slipping on the pavement.
D. Each animal shall be groomed daily and shall not have fungus, dandruff, or a dirty coat.

E. Harnesses shall be properly fitted, maintained and oiled so that no irritating material will come in direct contact with the animal.

F. No driver may use more than a light touch of the whip upon any animal, and no driver or other person may forcefully strike an animal, or make movements or noise intended to frighten or harm an animal.

G. No driver shall permit an animal to pull a carriage at a speed faster than a slow trot, except in emergency situations.

H. Each animal shall be provided with adequate food, water and rest to pull the horse-drawn carriage to which it is assigned.

I. No animal shall become overheated in a manner which endangers its health and safety. The temperature of each animal pulling a horse-drawn carriage shall be taken immediately prior to being used to pull horse-drawn carriages for that day and shall be taken by thermometer no less often than once each two hours during the time period it is used to pull horse-drawn carriages for that day. **A daily trip log including, but not limited to, times and temperatures, the hours worked by each horse, the weather conditions, shall be maintained by the AH & C and kept with the carriage operator at all times** and shall be provided to the Transportation Director or other City personnel upon request.

J. No animal shall pull horse-drawn carriages in temperatures below 25 degrees Fahrenheit under calm conditions or its equivalent when adding in a wind chill factor, or when the apparent temperature, combining the air temperature with the relative humidity, is above 90 degrees Fahrenheit.

K. Animals used to pull horse-drawn carriages shall be given a ten-minute in-harness rest period at the end of two consecutive labor hours and potable water shall be made available during the rest period. Labor hours are defined as hours the animal is in harness for the horse-drawn carriage business. No animal shall be kept in harness for the horse-drawn carriage business for periods in excess of eight successive labor hours without a minimum of three successive hours out of harness. No animal shall be in harness for the horse-drawn carriage business for more than six days in a seven-day period. Documentation of rest periods and labor hours worked shall be included in the aforementioned daily trip log.

L. No animal shall be subject to any condition or treatment, whether in service or out of service, which will impair the good health and physical condition of that animal.

M. **The Transportation Director, or his or her designee, shall conduct inspections of the stables** where the horses are kept for the horse-drawn carriage business at least **once a year**, and at other times whenever complaints

are filed in order to determine compliance with ordinance regulations. **Additionally, an annual inspection shall be conducted by a licensed veterinarian** (D.M.V.),to be selected by the City, who is experienced in the care and treatment of horses for both the sanitary conditions of the stable facility and the health of the animals. Such annual Veterinary inspection shall be at the cost of AH & C. The results of this inspection shall be submitted to the Transportation Director or his or her designee, within 30 days of inspection.

11. Sanitation Requirements: AH & C shall ensure that horse are equipped with diapers or similar devices or that other methods are used to prevent manure and other wastes of the horses from falling or collecting on city streets. The type of diaper or similar device must first be approved for efficiency by the Transportation Director or his or her designee.

12. Fixed Place of Business and Stables: AH & C shall establish and maintain a fixed headquarters on private property for the operation of the company's business. The headquarters, shall provide adequate off-street parking/ storage for all horse-drawn carriages not in service on the streets. The location of the operating headquarters as well as the location of the stables where the horses will reside shall be provided to the Transportation Director.

13. Non-transferability/Amendment: This Franchise shall constitute a certificate of public convenience and necessity for the operation of the horse drawn carriage business. This Franchise is not transferable and may not be amended except as provided in G.S. 160A-76.

14. Complaints: The Transportation Director or his or her designee shall receive and investigate any complaints with regard to compliance with this franchise agreement ordinance.

15. Revocation/Termination: The City may revoke this Franchise at any time for failure by AH & C to comply with the requirements of this Agreement or with any of the laws, ordinances, and regulations of the city, or State or Federal law, provided, that AH & C shall receive 10 day's notice of said revocation during which time this franchise may only be suspended.

    The City may revoke this Franchise for any reason upon 180 days notice to AH & C. AH & C shall be entitled to no compensation or payment as a result of the revocation of this franchise for any reason, although a pro-rated amount of the annual franchise fee paid may be refunded.

    AH & C may cease operations under this Franchise upon 30 days notice to the City.

16. Notice: Any notices required or permitted pursuant to this franchise shall be first class mail or personal delivery to the parties as follows:

    If to the carriage company: If to City:

Asheville Horse and Carriage Tours, LLC Ms. Catherine Hunter, Owner 257 Holcombe Cove Road Candler, NC 28715	Transportation Director Mr. Ken Putnam P.O. Box 7148 Asheville, NC 28802

AH & C shall keep the City advised of any changes in its address or contact information.

17. Franchise Fee: The fee for the operation of this Franchise shall be $1.00 per day for each day of the term of the Franchise, payable in a lump sum on or before the date of operation of service, unless otherwise agreed.

18. Fares: The fees charged by horse-drawn carriage shall be prominently displayed on the outside of the carriage.

19. Temporary Suspension/Modification: This Agreement and any of the terms and conditions thereof, including those relating to route, stops, and scheduling are subject to temporary suspension or modification by the City as necessary for the City to exercise and maintain control over its streets and public ways. The reasons for such action may include (by way of example and not limitation), the following: (a) closing of streets for repairs; (b) closing of streets for parades and festivals; (c) change in direction of one way streets; (d) changes in parking configuration. Any such action shall be within the City's sole discretion without recourse by the carriage company. The City will endeavor to provide advance notice of such action, but shall not be bound to do so.

20. Compliance with Laws: The carriage company shall comply with all applicable federal, state, and local laws in the operation of its business.

21. Conflict of Laws: All ordinances and clauses of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

22. Governing Laws: This Agreement is entered into in North Carolina and shall be construed under the statutes and laws of North Carolina.

23. Severability: If any section, subsection, sentence, clause, or phrase of this Franchise Agreement is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this agreement.

24. That this Franchise Agreement shall be in full force and effect on the signature date and final reading and adoption of this Franchise Ordinance.

Section 2. All ordinances and clauses of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the

fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 26th day of April, 2016 on first reading and on the second and final reading the 10th day of May, 2016.

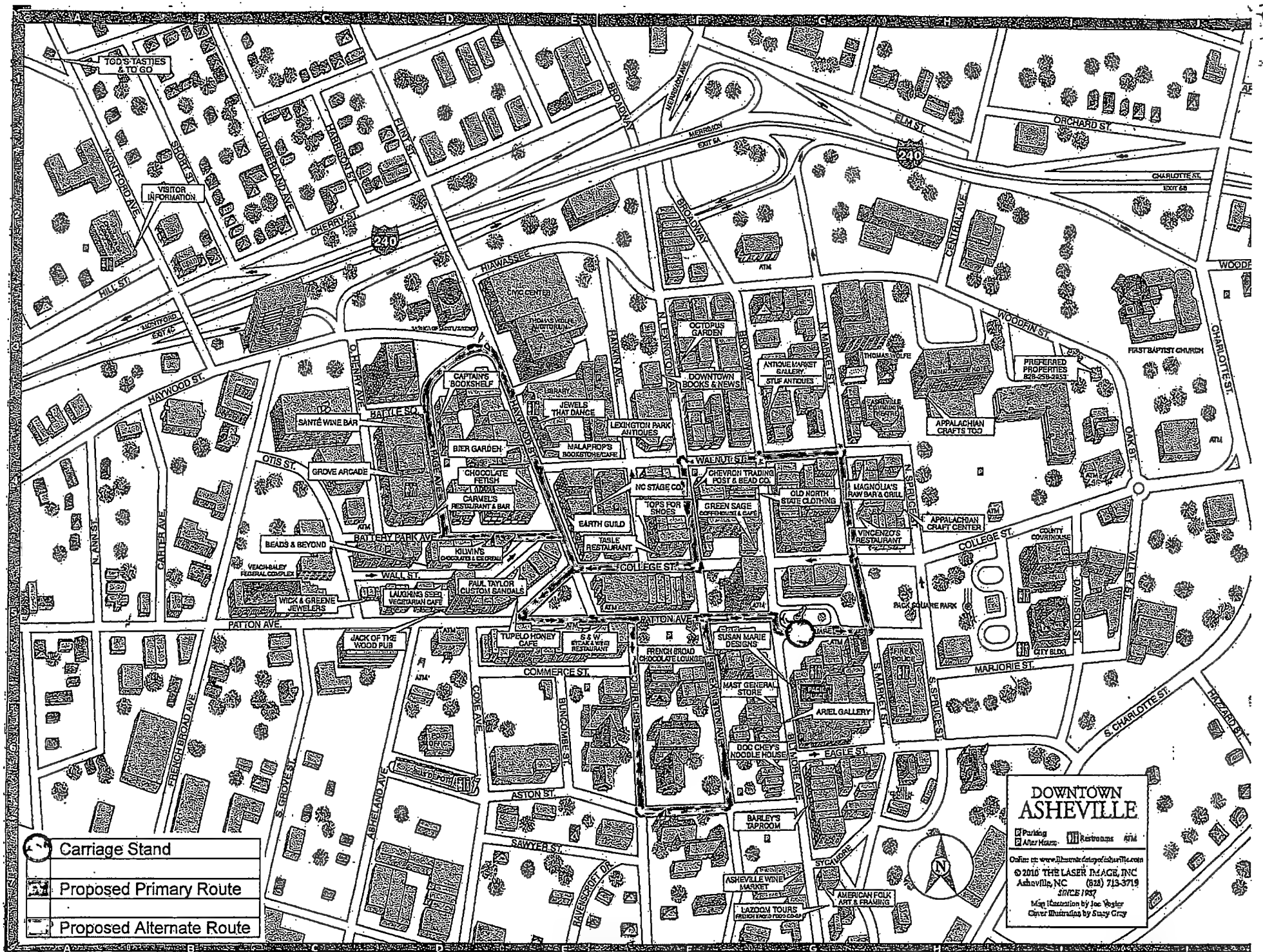
Magdalen Bullerson
City Clerk

Edna E. Mantle
Mayor

Approved as to form:

City Attorney

Magdalen Bullerson
City Clerk


TODD'S TASTIES & TO GO
VISITOR INFORMATION
MONTFORD AVE
STOKES ST
CUMBERLAND AVE
HARBISON ST
FLINT ST
BROADWAY
MERRIMON AVE
MERRIMON EXIT 5A
ELM ST.
ORCHARD ST.
240
CHARLOTTE ST.
EXIT 5B
CHERRY ST.
HILL ST.
MONTFORD EXIT 4C
HIAWASSEE
CIVIC CENTER
THOMAS WOLFE AUDITORIUM
CENTRAL AVE
WOODFIN ST.
FIRST BAPTIST CHURCH
CHARLOTTE ST.
O. HENRY AVE
HAYWOOD ST.
BATTLE SQ.
CAPTAIN'S BOOKSHELF
SANTÉ WINE BAR
BIER GARDEN
GROVE ARCADE
PAGE AVE
OTIS ST.
HAYWOOD ST.
RANKIN AVE
LIBRARY
JEWELS THAT DANCE
LEXINGTON PARK ANTIQUES
MALAPROP'S BOOKSTORE/CAFE
OCTOPUS GARDEN
DOWNTOWN BOOKS & NEWS
LEXINGTON AVE
BROADWAY
N. MARKET ST.
ANTIQUE MARKET GALLERY
STUF ANTIQUES
THOMAS WOLFE
PREFERRED PROPERTIES
828-258-8553
APPALACHIAN CRAFTS TOO
OAK ST.
WALNUT ST.
CHEVRON TRADING POST & BEAD CO.
NC STAGE CO.
TOPS FOR SHOES
GREEN SAGE COFFEEHOUSE & CAFE
OLD NORTH STATE CLOTHING
MAGNOLIA'S RAW BAR & GRILL
N. SPRUCE ST.
APPALACHIAN CRAFT CENTER
VINCENZO'S RESTAURANT
COLLEGE ST.
COUNTY COURTHOUSE
CARMEL'S RESTAURANT & BAR
EARTH GUILD
TASTE RESTAURANT
BEADS & BEYOND
BATTERY PARK AVE
KILWIN'S CHOCOLATE & ICE CREAM
N. ANN ST.
CARTER AVE
VEACH-BAILEY FEDERAL COMPLEX
WALL ST.
WICK & GREENE JEWELERS
LAUGHING SEED VEGETARIAN CAFE
PAUL TAYLOR CUSTOM SANDALS
PACK SQUARE PARK
VALLEY ST.
DAVIDSON ST.
CITY BLDG.
PATTON AVE.
JACK OF THE WOOD PUB
TUPELO HONEY CAFE
S & W STEAK & RIBS RESTAURANT
FRENCH BROAD CHOCOLATE LOUNGE
SUSAN MARIE DESIGNS
MARJORIE ST.
S. MARKET ST.
S. SPRUCE ST.
S. CHARLOTTE ST.
HAZZARD ST.
COMMERCE ST.
CHURCH ST.
COXE AVE
BUNCOMBE ST.
MAST GENERAL STORE
ARIEL GALLERY
DOC CHEY'S NOODLE HOUSE
BILTMORE AVE
EAGLE ST.
FRENCH BROAD AVE
S. GROVE ST.
ASHELAND AVE
ASTON ST.
SAWYER ST.
RAVENSCROFT DR.
SYCAMORE
BARLEY'S TAPROOM
ASHEVILLE WINE MARKET
LAZOOM TOURS
AMERICAN FOLK ART & FRAMING
Carriage Stand
Proposed Primary Route
Proposed Alternate Route
DOWNTOWN ASHEVILLE
Parking
After Hours
Restrooms
ATM
Online at: www.illustratedmapofasheville.com
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Asheville, NC (828) 713-3719
SINCE 1987
Map Illustration by Joe Vogler
Cover Illustration by Stacy Gray

ORDINANCE NO. 4499

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 10th day of May, 2016.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Budget amendment to increase the budget in the amount of $11,000 from donations for programs and services within the Parks and Recreation Department.

Magdalen Burleson
City Clerk

298

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2015-16

3. Amendment to Operating _x___ and/or Capital Project __x__ appropriation.

Parks	5/10/2016	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: to budget private donations

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Grant Fund				
Revenue: Private Donations				
R7008311 483300 R0943	4,174.00	$5,244.78	$8,674.00	$4,500.00
R7008316 483300 R0943	3,015.00	$5,914.31	$8,015.00	$5,000.00
R7008310 483300 R0943	2,126.00	$4,893.00	$3,126.00	$1,000.00
R7008322 483300 R0943	5,636.00	$500.10	$6,136.00	$500.00
Expense:				
Transfer to General Fund				
22090800 800110 R0943	74,062.00	$0.00	$85,062.00	$11,000.00
General Fund				
Revenue				
Transfer from Grant Fund				
11098300 498200	0.00	$0.00	$11,000.00	$11,000.00
Expense: Supplies				
11008316 524001	6,500.00	($1,232.63)	$11,500.00	$5,000.00
11008311 524001	9,450.00	($252.23)	$13,950.00	$4,500.00
11008322 524001	5,500.00	$1,734.21	$6,000.00	$500.00
11008307 524001	4,369.00	($135.63)	$5,369.00	$1,000.00

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:
16. Ordinance Number:
17. Date Received in Budget & Research:
18. Date Sent to City Clerk:

19. Date Posted:
By:
Sheet #:

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4500

ORDINANCE GRANTING A FRANCHISE TO OPERATE A LOW SPEED VEHICLE SHUTTLE SERVICE WITHIN THE CITY OF ASHEVILLE

WHEREAS, the City of Asheville (herein "City") has the authority pursuant to G.S. 160A-296 to control the use of streets and sidewalks within the city; and

WHEREAS, the City of Asheville has the authority pursuant to G.S. 160A-76 to grant franchises; and

WHEREAS, **Hilton Garden Inn Asheville Downtown**, proposes to operate a low speed vehicle shuttle service on the streets of the City; and

WHEREAS, the City has determined that it is in the public interest to permit the operation of said service on the City's streets, subject to certain terms and conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. **Hilton Garden Inn Asheville Downtown** is hereby granted a franchise to operate a low speed vehicle shuttle service as an amenity to its guests on the streets of the City of Asheville subject to the following terms and conditions:

1. Route: The low speed vehicle shuttle service is allowed to operate in the downtown Central Business District (CBD) along state-maintained and city-maintained streets where the posted speed limit is 35 mph or less. The operation of the low speed vehicle shuttle service shall be designed so as to minimize traffic impacts upon the general circulation of vehicular and pedestrian traffic of the City. The low speed vehicle shuttle service shall not load or unload passengers directly from Patton Avenue, College Street, Broadway or Biltmore Avenue unless there is an open parking space or a loading/unloading zone into which the low speed vehicle can safely enter in order to prevent blocking the flow of traffic.

2. Stops and Parking: The low speed vehicle shuttle service stops may not exceed three minutes on any public right-of-way, except as necessary to embark and debark passengers, or with the written permission of the City Traffic Engineer. Loading zones may be used for stops of this limited duration. All service stops shall be made in a way to minimize any possible disruption to the flow of vehicular traffic. It is anticipated that the low speed vehicle shuttle service will secure parking mainly in private lots when longer stops (i.e. waiting for passengers while they are in restaurants) are required.

3. Operating times/frequency: The low speed vehicle shuttle service will operate between the hours of 9:00 am to 12:00 am seven days per week. The City reserves the right to change these hours at its sole discretion, provided that **Hilton Garden Inn Asheville Downtown** is given a 30-day notice of such change. The low speed vehicle shuttle service is prohibited

from operating in any City approved festival or event area where the roadways are blocked except with written permission from the event organizer.

4. Terms of Franchise/Renewal: The term of this Franchise shall be indefinite, subject to the Revocation/Termination provisions of Paragraph 10 of this Ordinance.

5. Insurance: **Hilton Garden Inn Asheville Downtown** shall maintain Commercial General Liability insurance, including coverage for contractual liability, liability from independent contractors, property damage liability, bodily injury liability, and personal injury liability with limits of not less than $1,000,000 per occurrence, and $1,000,000 annual aggregate. The coverage shall be written on an occurrence basis. At all times during the term of this Franchise, **Hilton Garden Inn Asheville Downtown** shall maintain statutory Workers' Compensation insurance in accordance with the laws of North Carolina. **Hilton Garden Inn Asheville Downtown** shall also maintain Employers' Liability insurance with limits of not less than $500,000 per accident and $100,000 each employee for injury by disease. In the event of bodily injury or property damage loss caused by **Hilton Garden Inn Asheville Downtown** negligent acts or omissions in connection with **Hilton Garden Inn Asheville Downtown** services or operations associated with this Agreement, **Hilton Garden Inn Asheville Downtown** liability insurance shall be primary with respect to any other insurance which may be available to the City, regardless of how the "Other Insurance" provisions may read. **Hilton Garden Inn Asheville Downtown** shall submit copies of all said policies and a certificate of insurance naming the City as an additional insured for the approval of the City's Risk Manager. Approval from the City's Risk Manager shall be obtained prior to beginning any operation in the City of Asheville.

Hilton Garden Inn Asheville Downtown shall submit copies of said insurance policy and a certificate of insurance for approval to the City's Transportation Director prior to starting operations in the City of Asheville.

6. Indemnity: By commencing operation under this Franchise, **Hilton Garden Inn Asheville Downtown** agrees to indemnify and hold harmless the City against any liability for personal injury, property damage or other damage or injury arising from or in connection with any of its 's operations, including operation of the low speed vehicle shuttle service under this Franchise, and its insurance policy shall name the City as an additional insured to this effect.

7. Low Speed Vehicle Equipment/Condition of Vehicle: The low speed vehicle is defined by General Statute 20-4.01(27)h as a four-wheeled electric vehicle whose top speed is greater than 20 mph but less than 25 mph. The low speed vehicle will be licensed and plated by the NC Department of Transportation (Division of Motor Vehicles). Safety features of the vehicle are expected to include headlamps, tail lamps, stop lamps, turn signals, a Type AS-1 or AS-5 glazing windshield with wiper, reflex bumpers, parking brake, rearview mirrors, a horn, and seatbelts. **Hilton Garden Inn Asheville Downtown** is responsible for ensuring that all low speed vehicle equipment is maintained in a safe and operable condition in accordance with applicable

laws. The City reserves the right to have the vehicle inspected by the City's taxi inspector, appointed pursuant to city Code Sec. 18-9, and to restrict operation of any vehicles that fail inspection.

8. Standards for Drivers/Conductors: **Hilton Garden Inn Asheville Downtown** shall certify in writing to the City that each driver has a valid North Carolina driver's license, is medically fit to operate the low speed vehicle and has submitted a complete criminal background check. **Hilton Garden Inn Asheville Downtown** shall keep these records on file and will supply this information to the City upon request. Drivers with convictions for crimes of moral turpitude, driving while impaired, controlled substance offenses and sex offenders are prohibited from operating the low speed vehicle within the City limits.

9. Non-transferability/Amendment: This Franchise shall constitute a certificate of public convenience and necessity for the operation of the low speed vehicle shuttle service. This Franchise is not transferable, except to another entity owned by **Hilton Garden Inn Asheville Downtown** with written agreement from the City, and may not be amended except as provided in G.S. 160A-76 and G.S. 160A-304(b). This Franchise is not exclusive.

10. Revocation/Termination: The City may revoke this Franchise at any time for failure by **Hilton Garden Inn Asheville Downtown** to comply with any of the provisions hereof; provided, that **Hilton Garden Inn Asheville Downtown** shall receive 10 day's notice of said revocation during which time this franchise may only be suspended.

The City may revoke this Franchise for any reason upon 30 days notice to **Hilton Garden Inn Asheville Downtown**. **Hilton Garden Inn Asheville Downtown** shall be entitled to no compensation or payment as a result of the revocation of this franchise for any reason.

Hilton Garden Inn Asheville Downtown may cease operations under this Franchise upon 30 days notice to the City.

11. Notice: Any notices required or permitted pursuant to this franchise shall be first class mail or personal delivery to the parties as follows:

If to Hilton Garden Inn Asheville Downtown
Rob Hill
SVP Hotels
Quality of Oil Company, LLC
1540 Silas Creek Parkway
Winston-Salem, NC 27127

Or

Jesse Broome, General Manager
Hilton Garden Inn Asheville Downtown
309 College Street
Asheville, NC 28801

If to City:
City Attorney
70 Court Plaza
Asheville, NC 28802

Compliance with the formalities of this section may be waived.

Hilton Garden Inn Asheville Downtown shall at all times maintain an office or business location in the City of Asheville, and shall pay all City privilege license fees, and other taxes and fees associated with operation. **Hilton Garden Inn Asheville Downtown** shall designate an individual to be its agent for service of process in accordance with North Carolina law, and shall keep the City advised of any changes in said agent or its address.

12. Franchise Fee: The fee for the operation of this Franchise shall be $1.00 per day for each day of the term of the Franchise, payable in a lump sum on or before the date of operation of service.

13. Temporary Suspension/Modification: This Franchise and any of the terms and conditions thereof, including those relating to route, stops, and scheduling are subject to temporary suspension or modification by the City as necessary for the City to exercise and maintain control over its streets and public ways. The reasons for such action may include (by way of example and not limitation), the following: (a) closing of streets for repairs; (b) closing of streets for parades and festivals; (c) change in direction of one way streets; (d) changes in parking configuration. Any such action shall be within the City's sole discretion without recourse by **Hilton Garden Inn Asheville Downtown**. The City will endeavor to provide advance notice of such action, but shall not be bound to do so. Suspension or modification expected to be of more than 30 days duration will require amendment to this Ordinance.

14. Compliance with Laws: **Hilton Garden Inn Asheville Downtown** shall comply with all applicable federal, state, and local laws in the operation of its business including, but not limited to, the City of Asheville open container ordinance, and the State of North Carolina Alcoholic Beverage Control (ABC) laws (i.e. NCGS 18B-401; NCGS 20-4.01 (27); NCGS 20-138.7; NCGS 138.2C).It has been determined that because the low speed vehicle will be licensed as a slow-moving vehicle, it does not, per se, conflict with the City's open container ordinance (Section 11-11). However, requirements of this ordinance must still be observed (i.e. passengers cannot leave the vehicle with an open container). **Hilton Garden Inn Asheville Downtown** shall also be responsible for obtaining all necessary licenses and permits including, but not limited to, ABC permits and licenses or permits from the NC Department of Transportation. **Hilton Garden Inn Asheville Downtown** will not allow alcoholic beverages on the low speed vehicles.

Section 2. All ordinances and clauses of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 10th day of May, 2016, on first reading and on the second and final reading the 17th day of May, 2016.

Magdalen Bourleson
City Clerk

Eckan E. Mark
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

304

ORDINANCE NO. 4501

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 17th day of May, 2016.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Acceptance of CWRAR Grant Funding from NCDEQ to expand a recycling accessibility project in public housing

Magdalen Bowlesson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2015-16

3. Amendment to Operating ____ and/or Capital Project _x___ appropriation.

Sustainability	5/10/2016	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: to budget funding for CWRAR Grant Funding from NCDEQ

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Special Revenue Fund				
Revenue:				
State Grant				
22000016 436000 G1603	$21,625.00	$4,604.21	$46,469.00	$24,844.00
Transfer from General Fund				
22090016 498100 G1603	$4,325.00	$0.00	$9,294.00	$4,969.00
Expenditures:				
Supplies				
22000016 524001 G1603	$20,200.00	$3,478.05	$50,013.00	$29,813.00
General Fund				
Contingency				
11000016 528013	$396,213.00	$396,213.00	$391,244.00	($4,969.00)
Transfer to Grant Fund				
11090016 800220	$4,325.00	$0.00	$9,294.00	$4,969.00
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

306

ORDINANCE NO. 4502

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 17 day of May, 2016.

Magdalen Bowlson
CITY CLERK

Edwin G. Mac
MAYOR

Approved as to form:

CITY ATTORNEY

PURPOSE: Accept matching grant funds from Appalachian Regional Commission for the Entrepreneurial Impact of Outdoor Special Events research study

Magdalen Bowlson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2015-16

3. Amendment to Operating _x___ and/or Capital Project ____ appropriation.

Comm & Econ Development — 5/17/2016
4. Requesting Department — 5. Today's Date — 6. Department Head Signature

7. Comments/Purpose: to budget Appalachian Regional Comm. grant funds

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Grant Funding				
11000070 4xxxxx	$0.00	$0.00	$25,000.00	$25,000.00
Expenditures:				
Contracted Services				
11000070 521001	$95,092.60	$17,128.50	$120,092.60	$25,000.00

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

308

ORDINANCE NO. 4503

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 17th day of May, 2015.

Magdalen Bowleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Approve funds be appropriated in the Transit Capital Fund for the Transportation Department to apply towards bus shelter repair located at 85 Tunnel Road.

Magdalen Bowleson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2015-16

3. Amendment to Operating ____ and/or Capital Project _x___ appropriation.

4. Requesting Department	5. Today's Date	6. Department Head Signature
Finance	5/17/2016	

7. Comments/Purpose: to budget insurance recovery funds for bus shelter

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Transit Capital Project Fund				
Revenue:				
Transfer from Prop/Liab. Fund				
65190950 498813 T1501	$9,421.10	$0.00	$17,402.92	$7,981.82
Expenditures:				
Contracted Services				
65100950 521001 T1501	$95,614.00	$95,514.00	$103,595.82	$7,981.82
Property/Liability Fund				
Expenditures:				
Claims				
81300038 525002	$704,447.89	$357,225.45	$696,466.07	($7,981.82)
Transfer to Transit Capital Project Fund				
81390038 800651	$9,421.10	$0.00	$17,402.92	$7,981.82
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

310

ORDINANCE NO. 4504

ORDINANCE AMENDING THE SIGN PACKAGE FOR 800 BREVARD ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, following a public hearing held on April 28, 2015, the Asheville City Council determined that it is in the interest of the City to amend the comprehensive sign package for the proposed Asheville Outlets at 800 Brevard Road;

WHEREAS, this proposed amendment is determined to be consistent with the Comprehensive Plan and reasonable and in the public interest as it:

a) Addresses a unique need and context for signage at a regional shopping center.
b) Provides enhanced directional and entrance identification promoting safer wayfinding to the center.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The sign package attached hereto as Exhibit A be approved as the official sign regulations for the site at 800 Brevard Road.

Section 2. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. The ordinance shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. This ordinance is effective upon adoption.

Read, approved, and adopted this 17th day of May, 2016.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

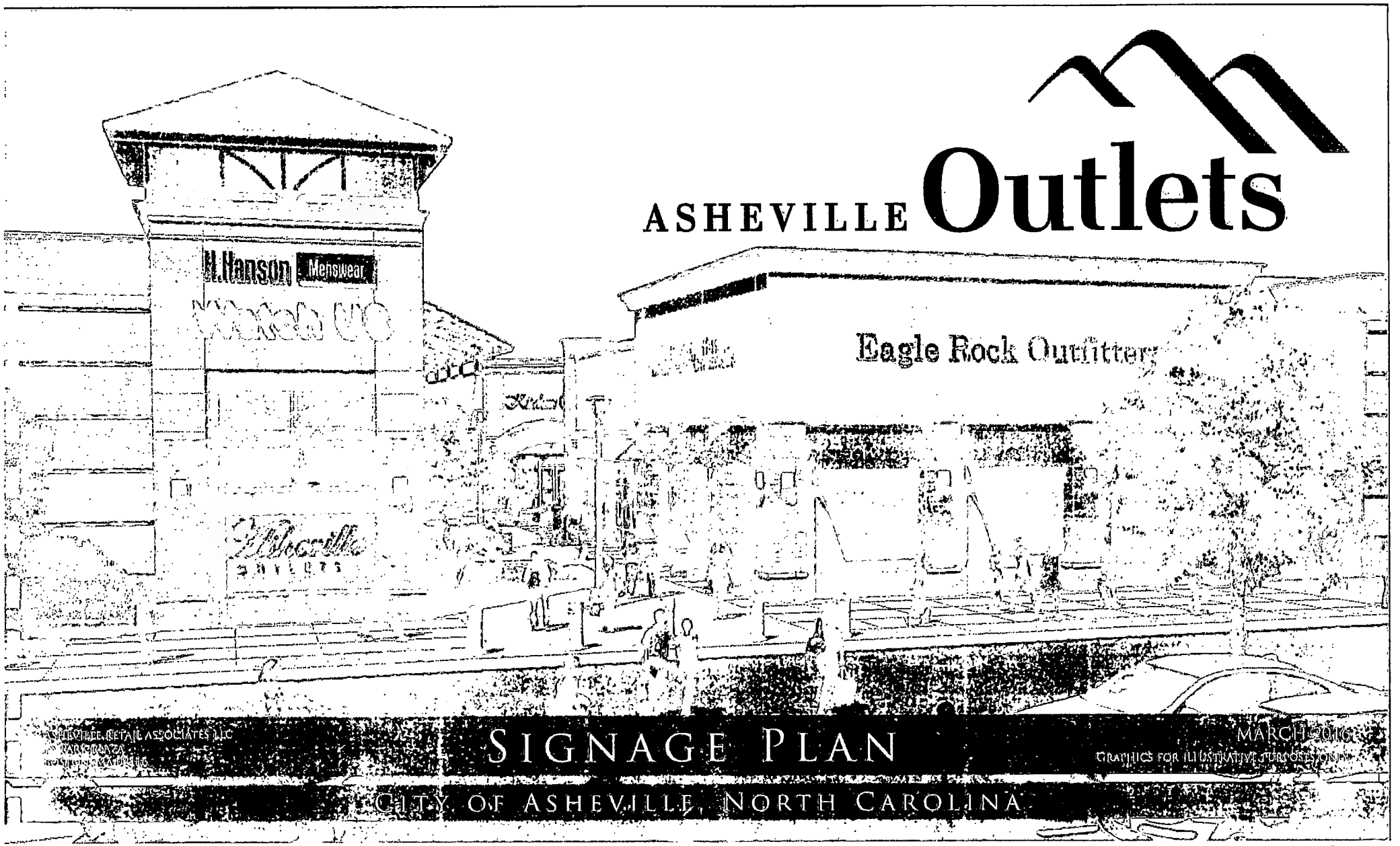

ASHEVILLE Outlets
H.Hanson Menswear
Eagle Rock Outfitters
SIGNAGE PLAN
MARCH 2016
GRAPHICS FOR ILLUSTRATIVE PURPOSES ONLY
CITY OF ASHEVILLE, NORTH CAROLINA

Exhibit A

ASHEVILLE OUTLETS
CITY OF ASHEVILLE, NORTH CAROLINA

SIGNAGE PLAN

SIGNAGE LOCATION MAP 1

SIGNAGE PLAN INTRODUCTION 2

SIGN TYPE 1 FREESTANDING DEVELOPMENT IDENTIFICATION DIRECTIONAL POLE SIGN 4

SIGN TYPE 2 FREESTANDING DEVELOPMENT IDENTIFICATION DIRECTIONAL GROUND SIGN 6

SIGN TYPE 3 FREESTANDING JOINT IDENTIFICATION GROUND SIGN 8

SIGN TYPE 4 FREESTANDING DEVELOPMENT IDENTIFICATION GROUND SIGN 10

SIGN TYPE 5 DEVELOPMENT AND TENANT IDENTIFICATION ATTACHED SIGNS 12
(WALL, PROJECTING, WINDOW, AWNING AND CANOPY)

SIGN TYPE 6 BANNERS 14

SIGN TYPE 7 VEHICULAR DIRECTIONAL SIGNS 16

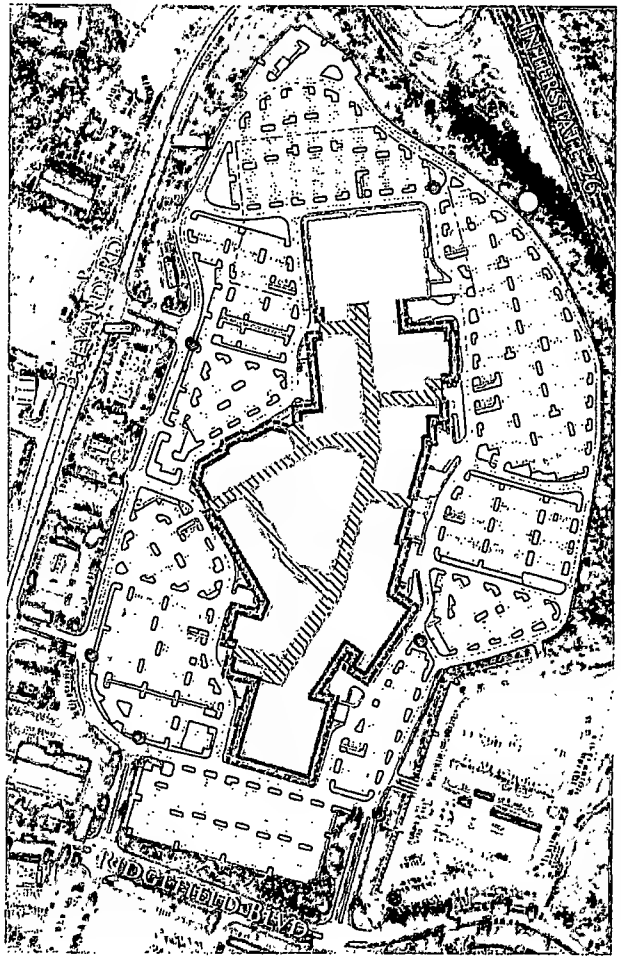
SIGN TYPE 8 PARKING AREA LOCATION SIGNS 18

SIGN TYPE 9 SERVICE DOOR IDENTITY SIGNS 20

SIGNAGE ANALYSIS 21

ASHEVILLE OUTLETS
CITY OF ASHEVILLE, NORTH CAROLINA

SIGNAGE PLAN



SIGNAGE LOCATION MAP

◡	SIGN TYPE 1	FREESTANDING DEVELOPMENT IDENTIFICATION DIRECTIONAL POLE SIGN
▭	SIGN TYPE 2	FREESTANDING DEVELOPMENT IDENTIFICATION DIRECTIONAL GROUND SIGN
▭	SIGN TYPE 3	FREESTANDING JOINT IDENTIFICATION GROUND SIGN
▭	SIGN TYPE 4	FREESTANDING DEVELOPMENT IDENTIFICATION GROUND SIGN
—	SIGN TYPE 5	DEVELOPMENT AND TENANT IDENTIFICATION ATTACHED SIGNS (WALL, PROJECTING, WINDOW, AWNING AND CANOPY)
—	SIGN TYPE 6	BANNERS
o	SIGN TYPE 7	VEHICULAR DIRECTIONAL SIGNS
	SIGN TYPE 8	PARKING AREA LOCATION SIGNS (LOCATIONS TO BE DETERMINED)
—	SIGN TYPE 9	SERVICE DOOR IDENTITY SIGNS
▨	INTERNAL PEDESTRIAN CORRIDOR	

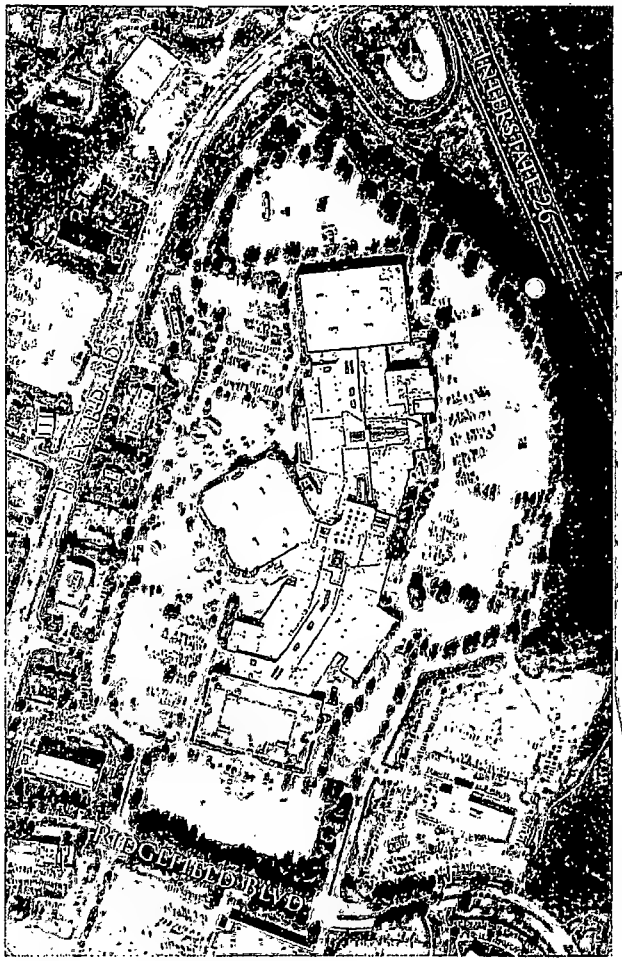
SIGNAGE PLAN INTRODUCTION

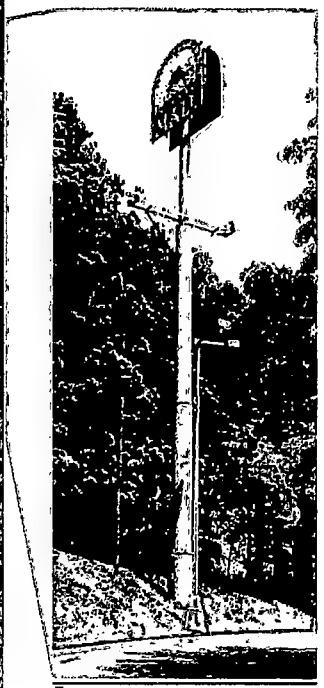
The Signage Plan acts as the regulatory framework for the signage at the Asheville Outlets; however, where the Signage Plan is silent, the signage will be consistent with the City of Asheville UDO. Specifically, signs permitted by right pursuant to Article XIII, Sec. 7-13-2 (c), Sec. 7-13-2 (d), and Sec. 7-13-4 (a) of the UDO shall be permitted. Unless otherwise permitted herein, signs prohibited by Article XIII, Sec. 7-13-3 of the UDO shall be prohibited. An analysis showing how the proposed signage differs from what could be provided under the existing UDO regulations is on Page 21.

The graphics included herein are intended to illustrate the type of sign, basic dimensions and development logo; however, the sign design is subject to change. The specific design details such as panel dimensions, colors, materials, lettering style and logos for individual tenants, will be submitted as part of each Sign Permit. Tenant signage may be of any color, lettering style or logo. Signs located within internal pedestrian corridors or on façades facing internal pedestrian corridors, illustrated as hatched area on the Signage Location Map, shall not be regulated by the City.

ASHEVILLE OUTLETS
CITY OF ASHEVILLE, NORTH CAROLINA

SIGNAGE PLAN - SIGN TYPE 1



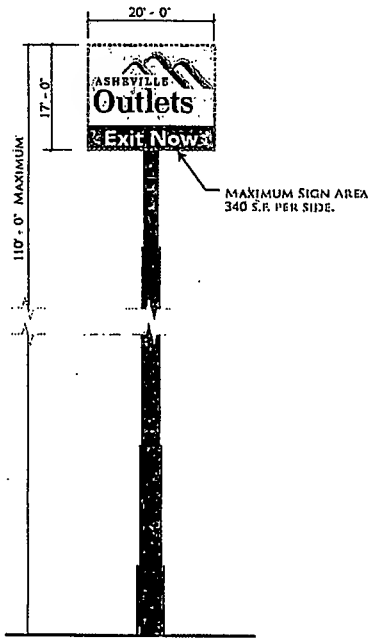


EXISTING

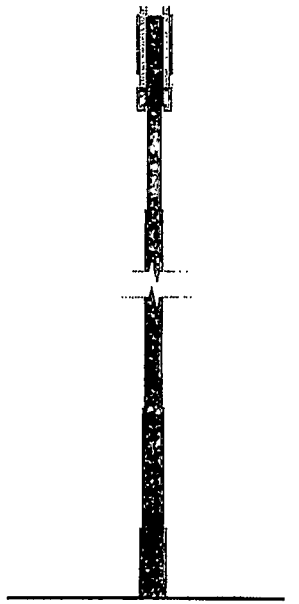
COLORS
- BLUE: PANTONE 7468
- BLACK:
- OFF-WHITE:
- DARK TAUPE:
- WHITE:

MATERIALS
FABRICATED ALUMINUM SIGN.
PAINTED FINISH, TRANSLUCENT ACRYLIC
INTERNALLY ILLUMINATED LETTERS/LOGOS.
REFURBISHED EXISTING POLE.
PAINTED FINISH.

TOP VIEW

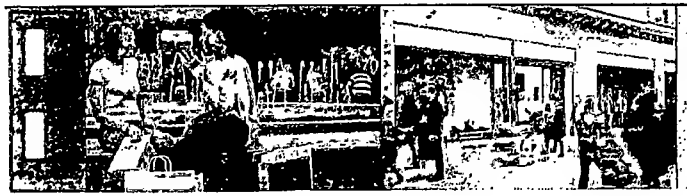


ELEVATION



SIDE VIEW

PROPOSED



SIGN TYPE 1 FREESTANDING DEVELOPMENT IDENTIFICATION DIRECTIONAL POLE SIGN

An existing Freestanding Development Identification Pole Sign 110 foot high containing 340 square feet of sign area per side is located adjacent to Interstate 26. The sign was constructed in 1994 and is being utilized by the current development and is illuminated with pole mounted spot lights. The height, sign area and lighting are non-conforming per Section 7-13-8 and Section 7-13-4 of the UDO.

While the development is sited lower than the Interstate 26 roadway, due to the dense foliage between the roadway and the property the development cannot be seen by motorists travelling on Interstate 26. The Freestanding Development Identification Pole Sign that rises above the foliage acts as advance directional signage providing motorists confirmation that they have reached their destination and providing them enough time to maneuver to the exit ramp. The Freestanding Development Identification Pole Sign is similar in design to others found near the intersection of Brevard Road and Interstate 26. The applicant is requesting to renovate or replace the existing sign. The proposed Freestanding Development Identification Directional Pole Sign is consistent in sign area with the existing sign but utilizes the new identity of the development. To promote dark skies the sign is redesigned to replace the pole mounted spot lights with illuminated panels or faces, internally illuminated letters and/or compliant light sources.

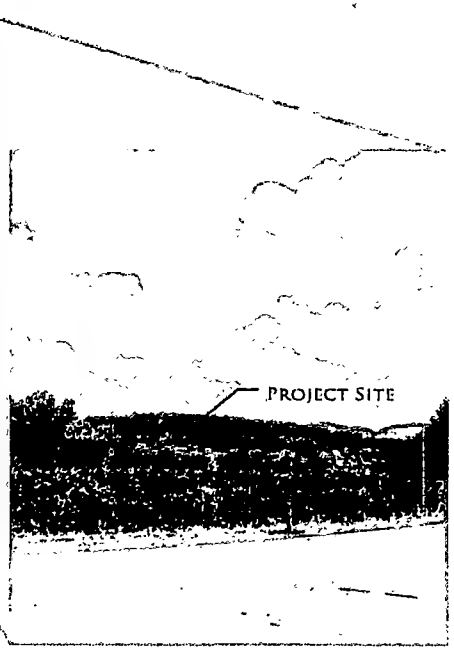
REGULATORY REQUIREMENTS

A Freestanding Development Identification Directional Pole Sign shall be permitted, as generally located on the Signage Location Map, provided the following conditions are met:

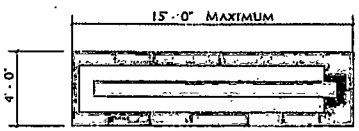
- Existing/Proposed Maximum Overall Height: 110 feet
- Existing/Proposed Maximum Sign Area per Side: 340 square feet
- Existing/Proposed Maximum Sides: 2 sides
- Existing/Proposed Minimum Distance from Curb Line: 85 feet
- Sign Content: May bear the name and/or logo of the development, and directional signage including text and symbols.
- Sign Illumination: If illuminated, the sign may only include internally illuminated panels or faces, internally illuminated letters and/or compliant light sources.

ASHEVILLE OUTLETS
CITY OF ASHEVILLE, NORTH CAROLINA

SIGNAGE PLAN - SIGN TYPE 2



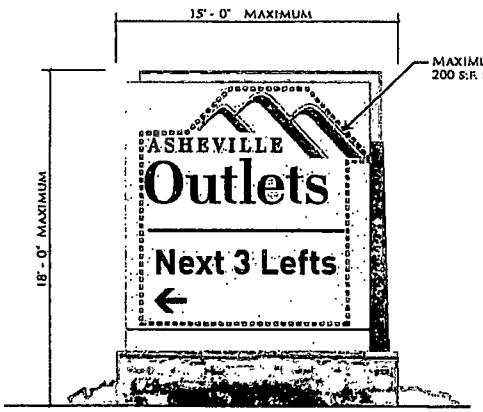
EXISTING CONDITIONS BREVARD RD.



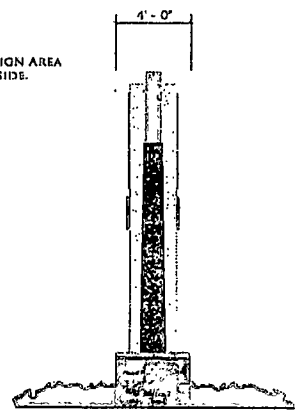
TOP VIEW

COLORS
- BLUE: PANTONE 7468
- BLACK:
- OFF-WHITE:
- TAN:
- BROWN:
- DARK TAUPE:
- WHITE:

MATERIALS
FABRICATED ALUMINUM SIGN. PAINTED FINISH. TRANSLUCENT ACRYLIC INTERNALLY ILLUMINATED LETTERS/LOGOS. STONE VENEER BASE.



ELEVATION



SIDE-VIEW

PROPOSED

SIGN TYPE 2 FREESTANDING DEVELOPMENT IDENTIFICATION DIRECTIONAL GROUND SIGN

The proposed Freestanding Development Identification Directional Ground Sign meets the sign area, height, setback and content regulations of the UDO.

The development's primary frontage is Brevard Road, however due to change in topography and the presence of multiple outparcels and vegetation between Brevard Road and the development, the development has limited visibility from Brevard Road. There is a berm of significant height from the site's northern extent to the first vehicular access point on Brevard Road which impedes any view of the development from Brevard Road. It is expected that the new development will attract tourists and customers from surrounding communities that will generally use Interstate 26 to access the site. A Freestanding Development Identification Directional Ground Sign will be located on the berm perpendicular to the motorist's line of sight and will indicate that the development is located at the "next three lefts". The sign acts as advance directional signage to motorists exiting Interstate 26 by confirming they have reached their destination and providing them enough time to maneuver into the left-hand turn lane, which is only approximately 0.10 miles (500 feet) from the Interstate 26/Brevard Road intersection. The intent of this sign is to aid the motorist in the safe navigation to the site.

REGULATORY REQUIREMENTS

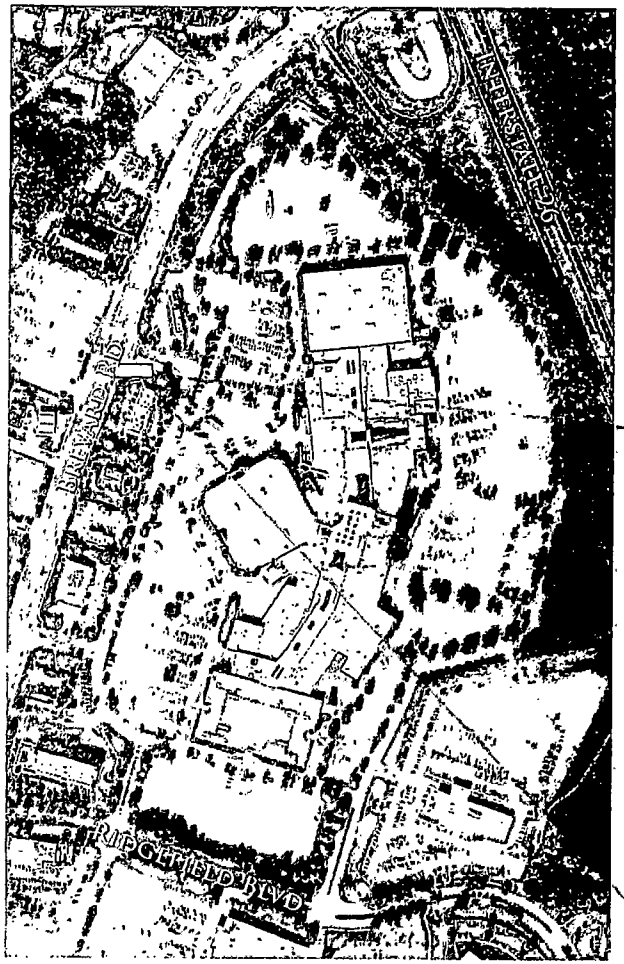
A Freestanding Development Identification Directional Ground Sign shall be permitted as generally located on the Signage Location Map, provided the following conditions are met:

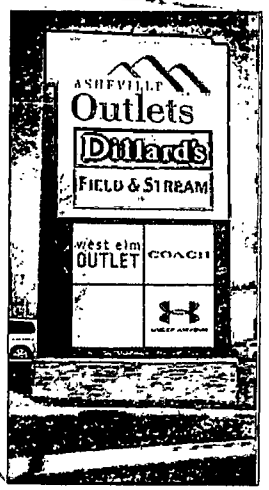
- Maximum Height: 18 feet
- Maximum Width: 15 feet
- Maximum Sign Area per Side: 200 square feet
- Maximum Sides: 2 sides
- Minimum Distance from Curb Line: 15 feet
- Sign Content: May bear the name and/or logo of the development and may contain directional signage including text and symbols.
- Sign Illumination: The sign may include internally illuminated panels or faces, internally illuminated letters, pin-mounted halo-lit letters and/or compliant light sources.

ASHEVILLE OUTLETS

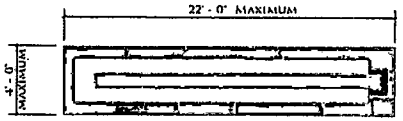
CITY OF ASHEVILLE, NORTH CAROLINA

SIGNAGE PLAN - SIGN TYPE 3





EXISTING



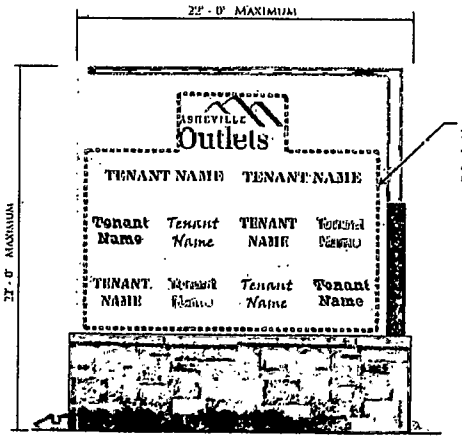
TOP VIEW

COLORS

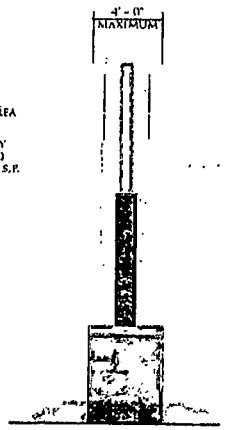
- BLUE: PANTONE 7468
- BLACK
- OFF-WHITE:
- TAN:
- BROWN:
- DARK TAUPE:

MATERIALS

FABRICATED ALUMINUM SIGN. PAINTED FINISH. TRANSLUCENT ACRYLIC INTERNALLY ILLUMINATED LETTERS/LOGOS. STONE VENEER BASE.



ELEVATION



SIDE VIEW

PROPOSED

SIGN TYPE 3 FREESTANDING JOINT IDENTIFICATION GROUND SIGN

An existing Freestanding Joint Identification Ground Sign 24 feet in height, with a permitted 200 square feet of sign area per side inclusive of Changable Copy is setback a minimum 30 feet from the Brevard Road curb line. The sign identifies the development and is being utilized by current mall tenants.

The Freestanding Joint Identification Ground Sign is located at the primary entrance to the site and acts as the main development and tenant identification sign. The applicant shall be permitted to replace the existing sign provided the sign is a maximum of 24 feet high, while the UDO allows a sign 25 feet high. The sign area is a maximum of 200 square feet to be in conformance with the UDO.

REGULATORY REQUIREMENTS (6 Tenant Panels Or Less Per Side)

Freestanding Joint Identification Ground Sign with 6 tenant panels or less per side shall be permitted, as generally located on the Signage Location Map, provided the following conditions are met:

- Proposed Maximum Height: 24 feet
- Existing/Proposed Maximum Width: 12 feet
- Proposed Maximum Sign Area per Side: 200 square feet, inclusive of changeable copy, if provided
- Existing/Proposed Maximum Sides: 2 sides
- Existing/Proposed Minimum Distance from Curb Line: 30 feet
- Sign Content: May bear the name and/or logo of the development and/or name and/or logo of individual tenants located within the development. Changeable copy, if provided, may include copy text and graphics, but may not include the time, date or temperature. The Changeable Copy area may not exceed 40 square feet. Changeable copy, if provided, shall remain static for a minimum of four hours.
- Proposed Maximum Tenant Panels per Side: 6 tenant panels per side with varying sign area dimensions.
- Sign Illumination: The sign may include internally illuminated panels or faces, internally illuminated letters, pin-mounted halo-lit letters and/or compliant light sources. Changable copy, if provided, will be LED and will meet the criteria outlined in Sec. 7-13-4 a. (14) of the City of Asheville UDO.

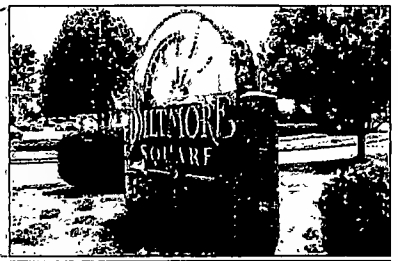
REGULATORY REQUIREMENTS (7-10 Tenant Panels Per Side)

Freestanding Joint Identification Ground Sign with 7 to 10 tenant panels per side shall be permitted, as generally located on the Signage Location Map, provided the following conditions are met:

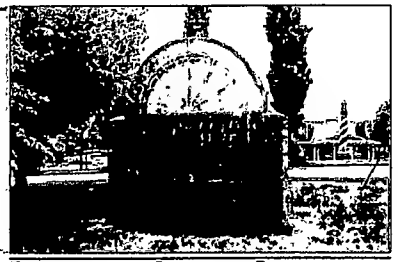
- Proposed Maximum Height: 22 feet
- Proposed Maximum Width: 22 feet
- Proposed Maximum Sign Area per Side: 200 square feet, inclusive of changeable copy, if provided
- Proposed Maximum Sides: 2 sides
- Proposed Minimum Distance from Curb Line: 30 feet
- Sign Content: May bear the name and/or logo of the development and/or name and/or logo of individual tenants located within the development. Changeable copy, if provided, may include copy text and graphics, but may not include the time, date or temperature. The Changeable Copy area may not exceed 40 square feet. Changeable copy, if provided, shall remain static for a minimum of four hours.
- Maximum Tenant Panels per Side: 10 tenant panels per side with varying sign area dimensions.
- Sign Illumination: The sign may include internally illuminated panels or faces, internally illuminated letters, pin-mounted halo-lit letters and/or compliant light sources. Changable copy, if provided, will be LED and will meet the criteria outlined in Sec. 7-13-4 a. (14) of the City of Asheville UDO.

ASHEVILLE OUTLETS
CITY OF ASHEVILLE, NORTH CAROLINA

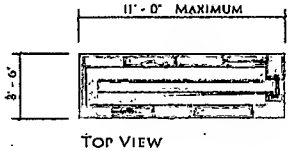
SIGNAGE PLAN - SIGN TYPE 4



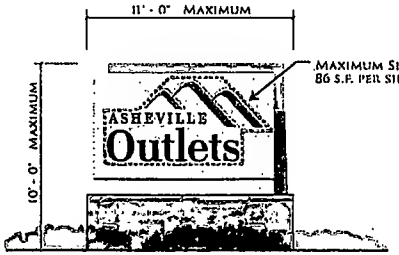
EXISTING ON RIDGEFIELD BLVD.



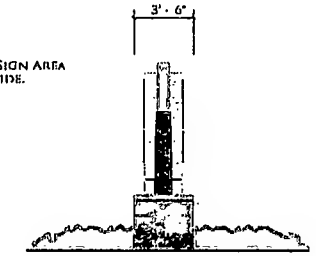
EXISTING ON BREVARD RD.



TOP VIEW



ELEVATION



SIDE VIEW

COLORS
- BLUE: PANTONE 7468
- BLACK:
- OFF-WHITE:
- TAN:
- BROWN:
- DARK TAUPE:

MATERIALS
FABRICATED ALUMINUM SIGN, PAINTED FINISH. TRANSLUCENT ACRYLIC INTERNALLY ILLUMINATED LETTERS/LOGOS. STONE VENEER BASE.

PROPOSED

SIGN TYPE 4 FREESTANDING DEVELOPMENT IDENTIFICATION GROUND SIGN

One (1) existing Freestanding Development Identification Ground Sign 11 feet in height, containing 86 square feet of sign area per side, is located adjacent to Brevard Road. One (1) existing identical Freestanding Development Identification Ground Sign is located adjacent to Ridgefield Boulevard. The signs are setback 21 feet and 17 feet from Brevard Road and Ridgefield Boulevard curb lines, respectively. The existing signs are in excess of the number of freestanding signs permissible for the site per the UDO.

The development has two (2) vehicular access points on Brevard Road and two (2) on Ridgefield Boulevard, however, due to a change in topography and the presence of multiple outparcels and vegetation between Brevard Road and the development, the development has limited visibility from Brevard Road or Ridgefield Boulevard. These smaller secondary signs with only the Development Identification are proposed to replace the existing signs at the southern access point on Brevard Road and the first access point on Ridgefield Boulevard to indicate to motorists that they can also access the site from these locations. The intent of these signs is to aid motorists in the safe navigation to the site. The proposed signs are consistent in sign area and width as the existing signs, and the sign height has been reduced from 11 feet to a maximum of 10 feet.

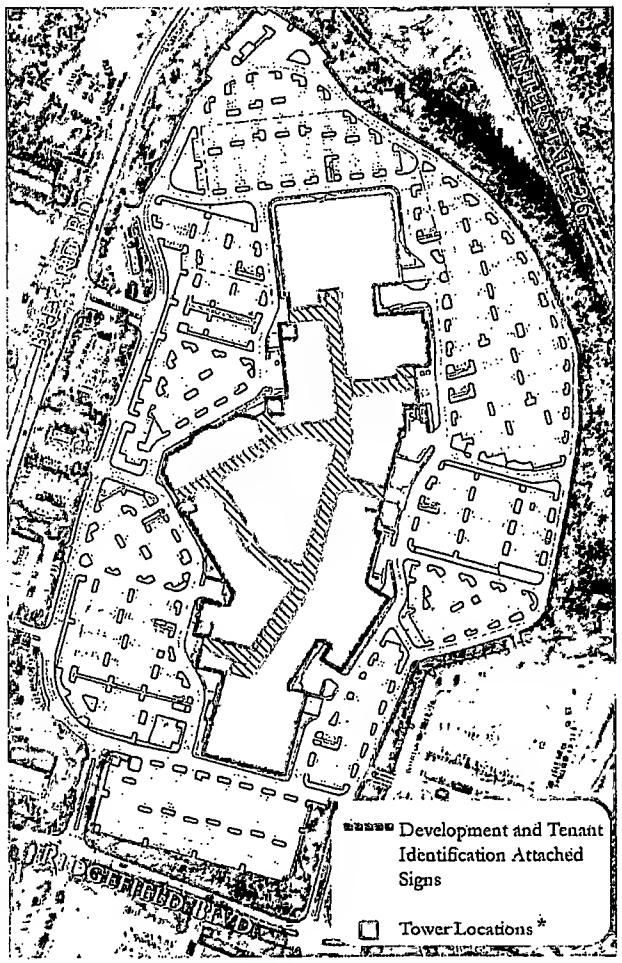
REGULATORY REQUIREMENTS

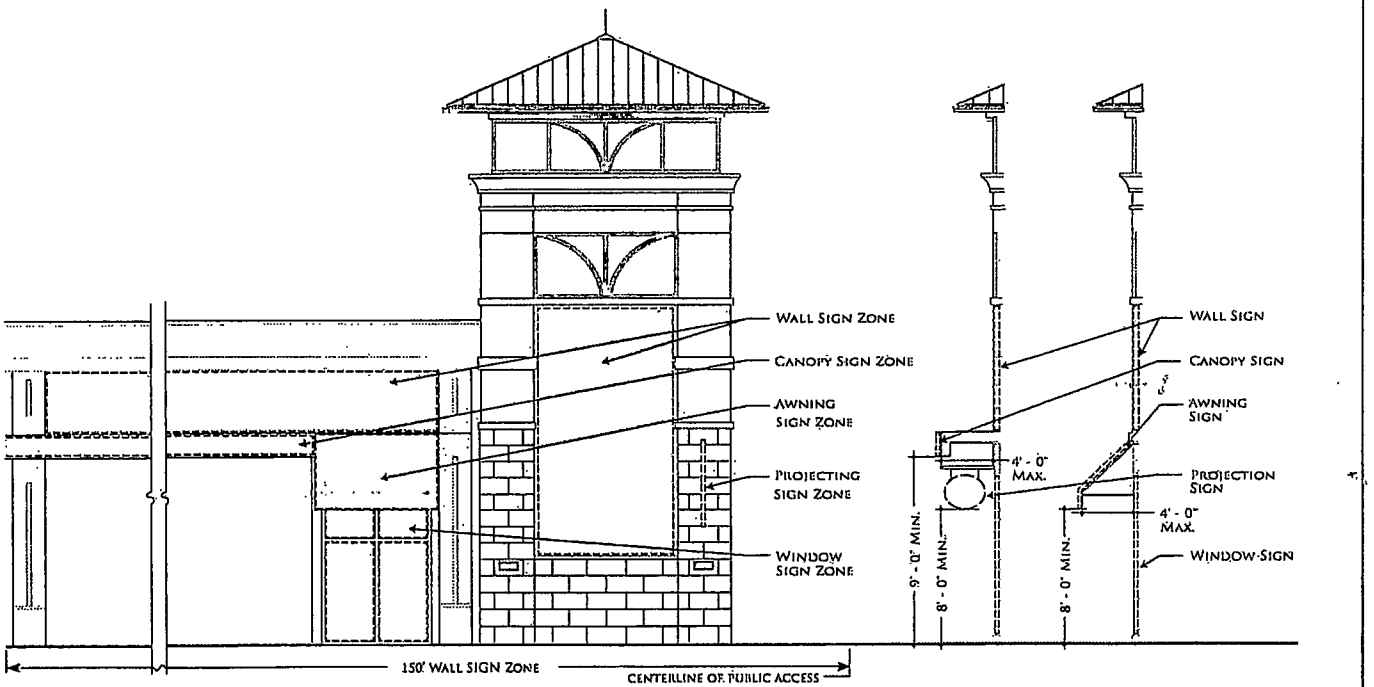
Freestanding Development Identification Ground Signs shall be permitted, as generally located on the Signage Location Map, provided the following conditions are met:

- Proposed Maximum Height: 10 feet (11 feet existing)
- Existing/Proposed Maximum Width: 11 feet
- Existing/Proposed Maximum Sign Area per Side: 86 square feet
- Existing/Proposed Maximum Sides: 2 sides
- Existing/Proposed Minimum Distance from Curb Line: 21 feet (Brevard Road), 17 feet (Ridgeway Boulevard)
- Sign Content: May beat the name and/or logo of the development.
- Sign Illumination: The signs may include internally illuminated panels or faces, internally illuminated letters, pin-mounted halo-lit letters and/or compliant light sources.

ASHEVILLE OUTLETS
CITY OF ASHEVILLE, NORTH CAROLINA

SIGNAGE PLAN - SIGN TYPE 5





* Tower locations shown are approximate only. There may be additional or fewer public access points and there may be a tower on one or both sides of the public access point, however signage may only be on one tower per public access point.

PROPOSED

SIGN TYPE 5 DEVELOPMENT AND TENANT IDENTIFICATION ATTACHED SIGNS (WALL, PROJECTING, WINDOW, AWNING AND CANOPY)

The transformed development will have several public access points to the outlet buildings (which excludes the former Dillard's - the north anchor), over 2,700 parking spaces in the parking fields surrounding the development, and approximately 75 tenants. As is typical for Outlet developments, the public access points will be punctuated by architectural features or towers which provide focal points and provide the visitor a visual clue to locate the access points. The entrance features and towers and adjacent façades provide an opportunity to provide wayfinding signage that will enhance the visitor's shopping experience. The applicant shall be permitted a total permissible sign area for Development and Tenant Identification Attached Signs to be equivalent to 1 square foot of signage for every 1 linear foot of outlet building façade. The UDO allows for 1 square foot of signage for every 1 linear foot of building façade for each frontage with a primary entrance. All public entrances to the outlet buildings are considered primary. However, the UDO limits the total sign area per façade to 200 square feet and limits each façade to one sign, which does not allow for wayfinding signage.

It should be noted that while the development has significant frontage on Brevard Road and Ridgefield Boulevard, due to change in topography and the presence of multiple outparcels and vegetation between Brevard Road and the development, the development and any façade signage have limited visibility from Brevard Road and Ridgefield Boulevard.

Signs located within internal pedestrian corridors or on façades facing internal pedestrian corridors, illustrated as hatched area on the Signage Location Map, shall not be regulated by the City.

REGULATORY REQUIREMENTS

Development and Tenant Identification Attached Signs, including Wall, Projecting, Window, Awning and Canopy Signs, shall be permitted on the exterior facades of the development, including the façade of any towers, as generally located on the Signage Location Map, provided the following conditions are met:

- Maximum Total Sign Area: One (1) square foot of sign area for every one (1) linear foot of exterior façade. The exterior façade linear distance shall be inclusive of all exterior building façades, excluding the façade of the northern commercial anchor (currently Dillard's), for purposes of calculation of the total permissible sign area, as generally illustrated on the Signage Location Map. Where there are screen walls, the linear façade calculation shall not include the linear distance of the screen wall.
- Sign Area Allocation: The total permissible sign area may be utilized in any proportion near each of the proposed public access points, provided that the total area of the attached signs does not exceed the total permissible sign area. The "public access points" are the points of public ingress/egress to the pedestrian corridors of the development or entrance of a building tennant with an exterior entrance.
- Signage Location: The permitted signage includes Wall, Projecting, Window, Awning and Canopy Signs. Development Identification and Tenant Identification signs shall be permitted within 150 feet of the centerline of public access points and shall be permitted to be located on all four (4) sides of any individual tower located at public access points. No signs on towers shall be permitted above 21 feet measured from the ground at the base of the tower. Tenant Identification signs shall be permitted within 50 feet of the entrance of an outlet building tenant with an exterior entrance.
- Sign Content: May bear the name and/or logo of individual tenants located within the development, and/or name and/or logo of the development.
- Minimum Clearance of Projecting, Awning or Canopy Sign Above Grade: 8 feet
- Maximum Projection of Wall Sign: 12 inches
- Maximum Projection of Projecting Sign: 4 feet
- Maximum Projection of Awning or Canopy Sign: 4 feet
- Sign Illumination: The signs may include internally illuminated panels or faces, internally illuminated letters, pin-mounted halo-lit letters and/or compliant light sources. Window Signs shall not be so illuminated.

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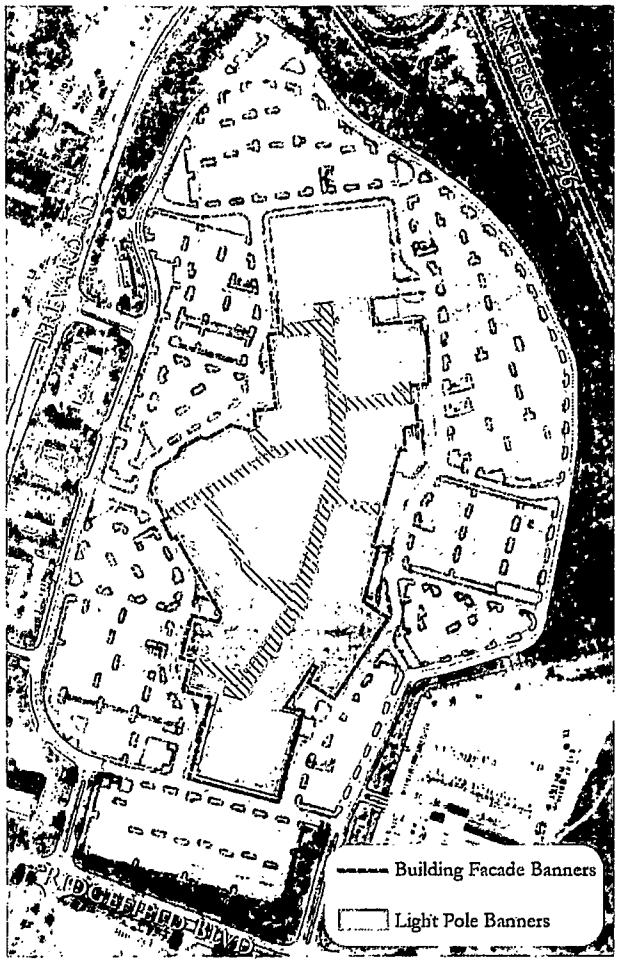
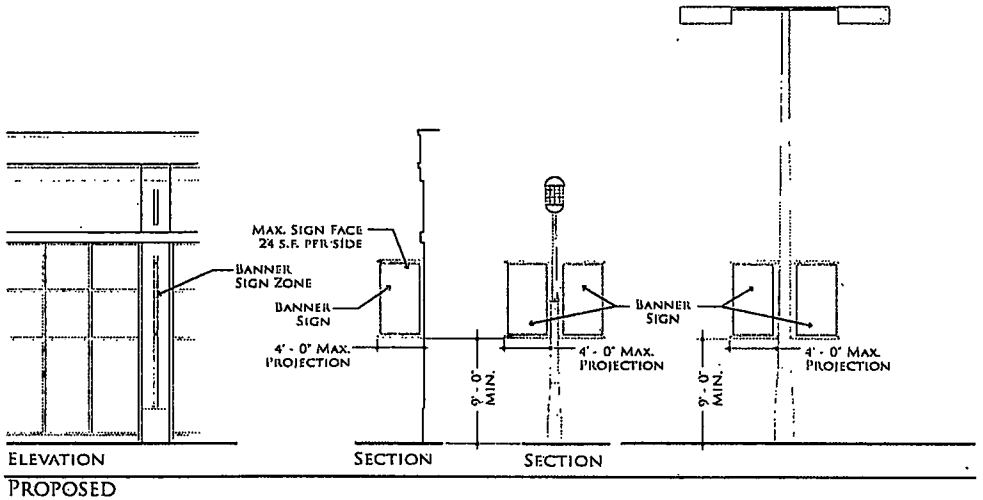
ASHEVILLE OUTLETS

CITY OF ASHEVILLE, NORTH CAROLINA

SIGNAGE PLAN - SIGN TYPE 6





PROPOSED

SIGN TYPE 6 BANNERS

The proposed Banners meet the minimum and maximum sign area and minimum clearance regulations of the UDO. In most instances the Banners will be of a graphic or seasonal nature as permitted by the UDO. Banners shall also be permitted to contain development and tenant identification. The banners are proposed to enhance the visitor shopping experience by bringing decorative elements to the parking fields and pedestrian walkways. The banners also foster an updated identity for the development and a sense of place.

REGULATORY REQUIREMENTS

Permanent Banners shall be permitted on the exterior facades of the development and on parking lot and pedestrian sidewalk light poles at various locations within the development, provided the following conditions are met:

- Maximum Sign Area: 24 square feet per side
- Minimum Clearance Above Grade: 9 feet
- Maximum Projection: 4 feet
- Banner Content: Banners located on building facades may bear the name and/or logo of the development and/or name and/or logo of individual tenants located within the development, and/or may be of a graphic or seasonal nature. Banners located on light poles may not bear the name and/or logo of individual tenants located within the development but may bear the name and/or logo of the development and/or may be of a graphic or seasonal nature.

Banners on Light Poles

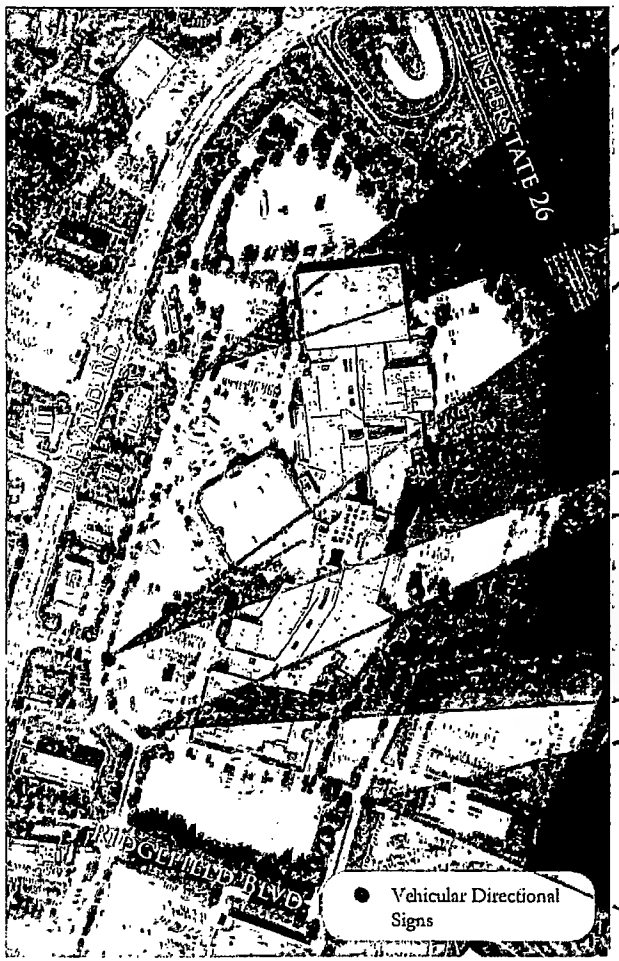
- Banner Location: Banners shall be permitted on all parking lot and pedestrian sidewalk light poles.
- Maximum Number: 20 Banners

Banners on Building Facade

- Banner Location: Banners shall be located with respect to building's architecture and shall not obscure windows. Banners shall not be permitted on any tower facades located above the parapet.
- Maximum Number: 20 Banners

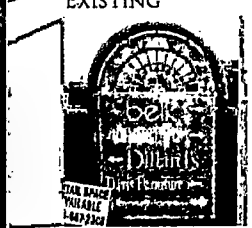
ASHEVILLE OUTLETS
CITY OF ASHEVILLE, NORTH CAROLINA

SIGNAGE PLAN - SIGN TYPE 7



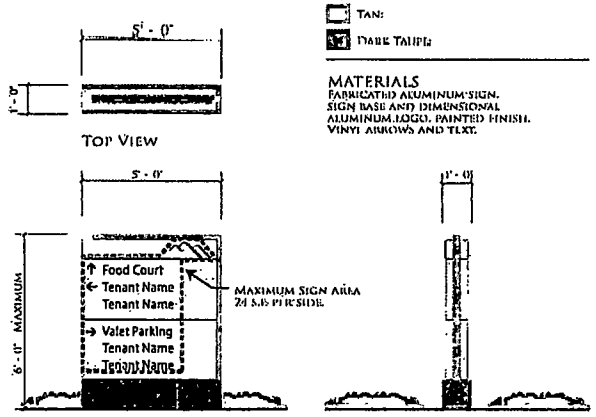
EXISTING

EXISTING



EXISTING

EXISTING



PROPOSED

COLORS
- BLUE: PANTONE 7468
- BLACK
- OFF-WHITE
- TAN
- DARK TAUPE

MATERIALS
FABRICATED ALUMINUM SIGN. SIGN BASE AND DIMENSIONAL ALUMINUM LOGO. PAINTED FINISH. VINYL ARROWS AND TEXT.

SIGN TYPE 7 VEHICULAR DIRECTIONAL SIGNS

Four (4) existing Vehicular Directional Signs eight (8) feet high with 27 square feet of sign area are located within the vehicular circulation areas of the existing development. The signs are being utilized by current tenants. The existing Vehicular Directional Signs are non-conforming in sign area and height. Four (4) directional signs with four (4) square feet per face, three (3) feet tall are permissible per the UDO.

As is typical in large commercial developments, Vehicular Directional Signs are located at decisions points to assure motorists that they are headed in the right direction and to foster safe vehicular navigation of the site. The allowances for Directional Signs in the UDO are not adequate to promote vehicular safety for a high-volume commercial development. The six (6) proposed Vehicular Directional Signs have been redesigned to be six (6) feet high with 24 square feet of sign area per side, which is a reduction from the existing eight (8) foot signs with 27 square feet of sign area per side.

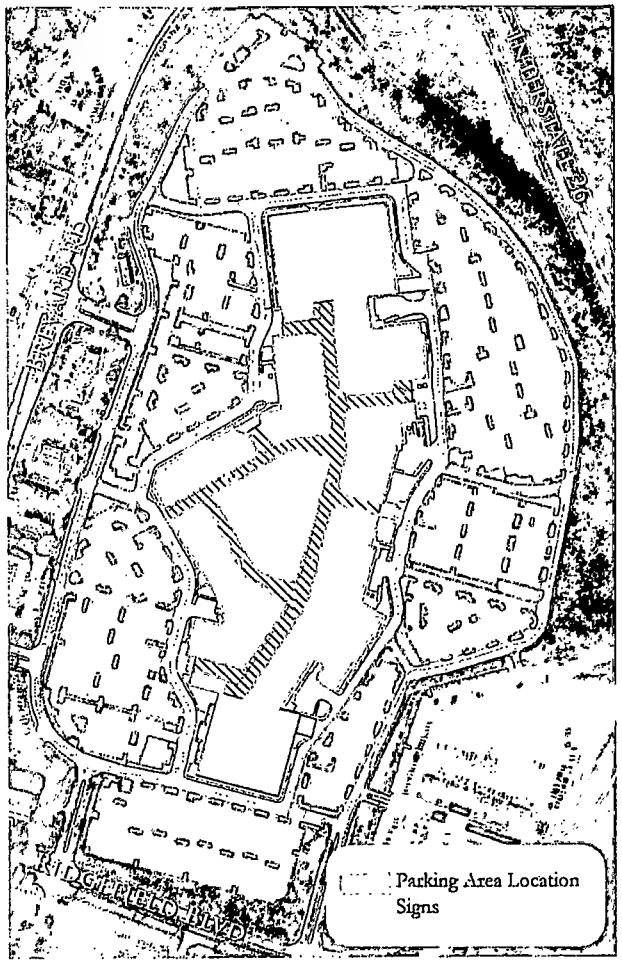
REGULATORY REQUIREMENTS

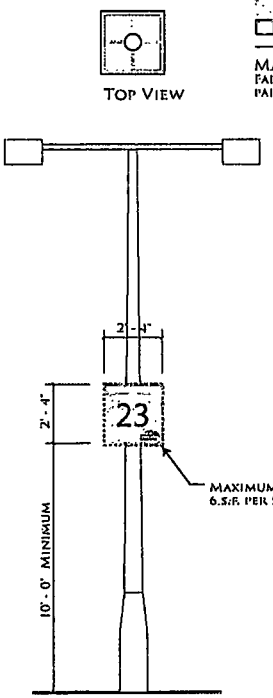
Vehicular Directional Signs, located at parking area internal access points and intersections, shall be permitted to provide easily identifiable directions to the various destinations within the development, provided the following conditions are met:

- Maximum Number: 6
- Maximum Height: 6 feet
- Maximum Sign Area per Side: 24 square feet
- Maximum Sides: 2 sides
- Sign Content: May bear only the name and/or logo of the development and/or name and/or logo of individual tenants located within the development and directional arrows.
- Sign Illumination: The signs may include internally illuminated panels or faces, internally illuminated letters, pin-mounted halo-lit letters and/or compliant light sources.

ASHEVILLE OUTLETS
CITY OF ASHEVILLE, NORTH CAROLINA

SIGNAGE PLAN SIGN TYPE 8





COLORS
- BLUE: PANTONE 7468
- BLACK:
- OFF-WHITE:
- TAN:

MATERIALS
FABRICATED ALUMINUM SIGN,
PAINTED FINISH AND VINYL GRAPHICS

PROPOSED

17 MARCH 2016

SIGN TYPE 8 PARKING AREA LOCATION SIGNS

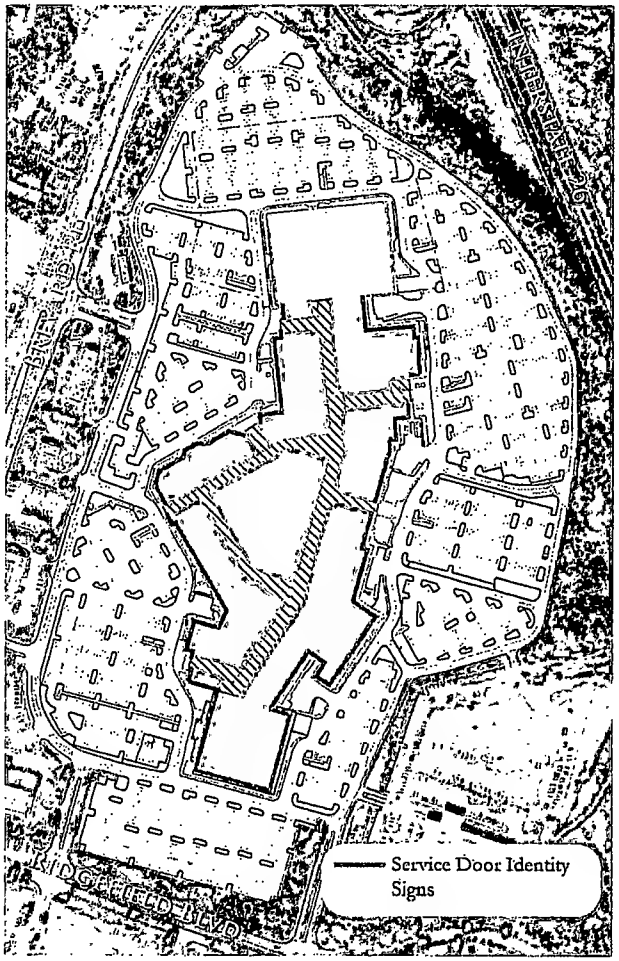
The configuration of the development creates several different parking fields. As is typical in large commercial developments with this type of configuration, Parking Area Location Signs will be located within the parking fields for the safety and convenience of visitors to the development. This type of sign is not contemplated in the UDO.

REGULATORY REQUIREMENTS

Parking Area Location Signs shall be permitted to provide a systematic designation of parking fields within the development, provided the following conditions are met:

- Maximum Sign Area per Side: 6 square feet
- Maximum Sides: 4 sides
- Minimum Clearance: 10 feet
- Sign Placement: Mounted on parking lot light poles.
- Sign Content: Shall bear text to distinguish parking areas and may bear the name and/or logo of the development.
- Sign Illumination: Parking Area Location Signs shall not be illuminated.

SIGN TYPE 9 SERVICE DOOR IDENTITY SIGNS



SIGN TYPE 9 SERVICE DOOR IDENTITY SIGNS

Exterior facing wall or door mounted signs on or near tenant rear service doors and on or near project ingress or egress corridor doors shall be permitted. These signs may include tenant names, space numbers, addresses, phone numbers, hours and similar information relevant to the use of the door or occupant, and include any text required by governmental authorities.

REGULATORY REQUIREMENTS

Service Door Identity Signs shall be permitted, provided the following conditions are met:

- Maximum Letter Height: 4 inches
- Maximum Number: 1 sign per service door
- Sign Illumination: Service Door Identity Signs shall not be illuminated.

QUANITY	PROPOSED SIGN DETAILS	ASHEVILLE SIGN CODE REGULATIONS
TYPE 1 - FREESTANDING DEVELOPMENT IDENTIFICATION POLE SIGN		
1	Overall Height - Max. 110 feet (existing - no change) Sign Area - Max. 340 sf per face (existing - no change) Setback - 85 ft (existing - no change)	Requested Sign is additional Identification Sign
TYPE 2 - FREESTANDING DEVELOPMENT IDENTIFICATION DIRECTIONAL GROUND SIGN		
1	Number of Signs - 1 Height - Max. 18 feet Sign Area - Max. 200 sf per face Setback - 15 ft	Requested Sign is permissible Identification Sign #1 Height - Max. 25 feet Sign Area - Max. 200 sf per face Setback - 15 ft
TYPE 3 - FREESTANDING JOINT IDENTIFICATION GROUND SIGN (EXISTING)		
1	Number of Signs - 1 Height - Max. 24 feet (27 feet existing) Sign Area - Max. 200 sf per face, inclusive of maximum 40 sf of changeable copy per face (207 sf per face inclusive of changeable copy existing) Setback - 30 ft (existing - no change) 2nd permissible identificaiton sign is freestanding.	Requested Sign is permissible Identification Sign #2 Height - Max. 25 feet Sign Area - Max. 200 sf per face Setback - 15 ft 2nd permissible Identification sign required to be attached sign.
TYPE 4 - FREESTANDING DEVELOPMENT IDENTIFICATION GROUND SIGNS (EXISTING)		
2	Height - Max. 10 ft (11 feet existing) Sign Area - Max. 86 sf per face (existing for both - no change) Setback - 21 feet (Brevard Road existing - no change) Setback - 17 feet (Ridgefield Blvd. existing - no change)	Requested Signs are additional Identification Signs
TYPE 5 - DEVELOPMENT AND TENANT IDENTIFICATION ATTACHED SIGNS (WALL, PROJECTING, WINDOW, AWNING AND CANOPY)		
TBD	Total Sign Area - Max. 1 sf of signage per 1 linear foot of outlet building façade Sign Allocation - Sign Area utilized near each of the proposed outlet building public access points. Sign Location - Development Identification and Tenant Identification signs shall be permitted within 150 feet of the centerline of public access points and shall be permitted to be located on all four (4) sides of any individual tower located at public access points. Tenant Identification signs shall be permitted within 50 feet of the entrance of an outlet building tenant with an exterior entrance. Projection Wall Sign - Max. 12 inches Projection Projecting Sign - Max. 4 feet Clearance Projecting Sign - Min. 8 feet	Total Sign Area - Max. 1 sf of signage per 1 linear foot of façade, up to a maximum of 200 sf Sign Allocation - Not addressed in Code Sign Location - Sign must be located on the façade with the public entrance for that business. Projection Wall Sign - Max. 12 inches Projection Projecting Sign - Max. 3 feet Clearance Projecting Sign - Min. 8 feet

QUANITY	PROPOSED SIGN DETAILS	ASHEVILLE SIGN CODE REGULATIONS
TYPE 6 - BANNERS		
Max. 20 on building façade Max. 20 on light poles	Sign Area - Max. 24 sf Clearance - Min. 9 ft Design - Design and material of high quality but varies with season and/or tenant. Content - Banners located on building facades may bear the name and/or logo of the development and/or name and/or logo of individual tenants located within the development, and/or may be of a graphic or seasonal nature. Banners located on light poles may not bear the name and/or logo of individual tenants located within the development but may bear the name and/or logo of the development and/or may be of a graphic or seasonal nature.	Sign Area - Max 24 sf Clearance - Min. 9 ft Design - All consistent in design and material Content - May not contain a commercial advertising message, name or logo.
TYPE 7 - VEHICULAR DIRECTIONAL SIGNS (EXISTING)		
6	Number of signs - Max. 6 (4 signs existing) Height - Max. 6 ft (8 feet existing) Sign Area - Max. 24 sf per face (27 sf existing)	Number of signs - 4 Height - Max. 3 ft Sign Area - Max. 4 sf per face
TYPE 8 - PARKING AREA LOCATION SIGNS		
TBD	Height - Min. 10 ft clearance Sign Area - Max. 6 sf per face	Not addressed in Code
TYPE 9 - SERVICE DOOR IDENTITY SIGNS		
TBD	Letter Height - Max. 4 inches Number of Signs - 1 per door Sign Placement - On door or wall mounted near door.	Not addressed in Code

ORDINANCE NO. 4505

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO REVISE STANDARDS REGULATING HOMESTAYS

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Unified Development Ordinance (Chapter 7 of the City Code of Ordinances) provides allowances for homestays and the opportunities for such uses should be expanded; and

WHEREAS, homestays support economic growth; and

WHEREAS, the proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City, and is determined to be reasonable and in the public interest for the following reasons:

a) by developing zoning standards that regulate activities in order to promote harmony and compatibility with the surrounding neighborhoods.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Chapter 7 of the Code of Ordinances of the City of Asheville is hereby amended as follows:

a. Section 7-16-1(c)(9)(c) shall be revised in its entirety to read:

c) The homestay operation shall be managed and carried on by a person who: 1) is a full-time resident of the property; and 2) is present during the homestay term for the entire time lodgers are staying at the property. To be a "full time resident," the person must reside on the property on a permanent basis, and it must be the person's primary home. For purposes of this homestay ordinance, a person can only have one primary, full time residence, and the homestay must be operated from that primary, full time residence. In order to be "present during the homestay term," the full time resident shall be at the property overnight and not away on vacation, visiting friends or family, travelling out of town for business or personal reasons, etc. during the homestay term. However, the full-time resident may be temporarily absent from the property for purposes related to normal residential activities such as shopping, working, attending class, etc. A minimum of two documents establishing proof of residency shall be supplied from an approved list of documents.

Section 2: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 2: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3: All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4: This ordinance will become effective upon adoption.

Read, approved, and adopted this 17th day of May, 2016.

Magdalen Bouleson
City Clerk

Edith E. Hanks
Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

ORDINANCE NO. 4506

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this June 14, 2015.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Budget amendment to procure and install energy efficient LED exterior lighting at two transit facilities

Magdalen Bowlson
City Clerk

338

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2015-16

3. Amendment to Operating ____ and/or Capital Project _x___ appropriation.

Sustainability	6/14/2016	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: to budget funding for Transit exterior lighting

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Special Revenue Fund				
Revenue:				
Transfer from General Fund				
22090016 498100 G1504	$2,000.00	$0.00	$8,000.00	$6,000.00
Expenditures:				
Contracted Services				
22000016 521001 G1504	$10,000.00	$10,000.00	$16,000.00	$6,000.00
General Fund				
Contingency				
11000016 528013	$386,163.00	$386,163.00	$380,163.00	($6,000.00)
Transfer to Grant Fund				
11090016 800220	$4,325.00	$0.00	$10,325.00	$6,000.00
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4507

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 55 MIAMI CIRCLE AND 70 ALLEN AVENUE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a) The proposal places higher density residential development in an area proximate and walkable to transit, commercial, educational and recreational uses;
b) The project includes pedestrian connections to community uses and transit;
c) The project includes dedicated and deed restricted affordable housing units (a minimum of 10% of the units at 80% AMI for a minimum of 15 years).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9645.80-9504 and 9645.90-3375 and recorded in Deed Book 5361, Page 1597 and Book 5391, Page 1594 respectively and currently owned by Miami Made, LLC from Residential Multi-Family High Density and Institutional districts to Institutional Conditional Zone district. Said rezoning is subject to the conditions set out in Exhibit "B-1" and substantially complies with the site plans shown in Exhibit "C" and "D", both attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 14th day of June, 2016.

Magdalen Bullison
City Clerk

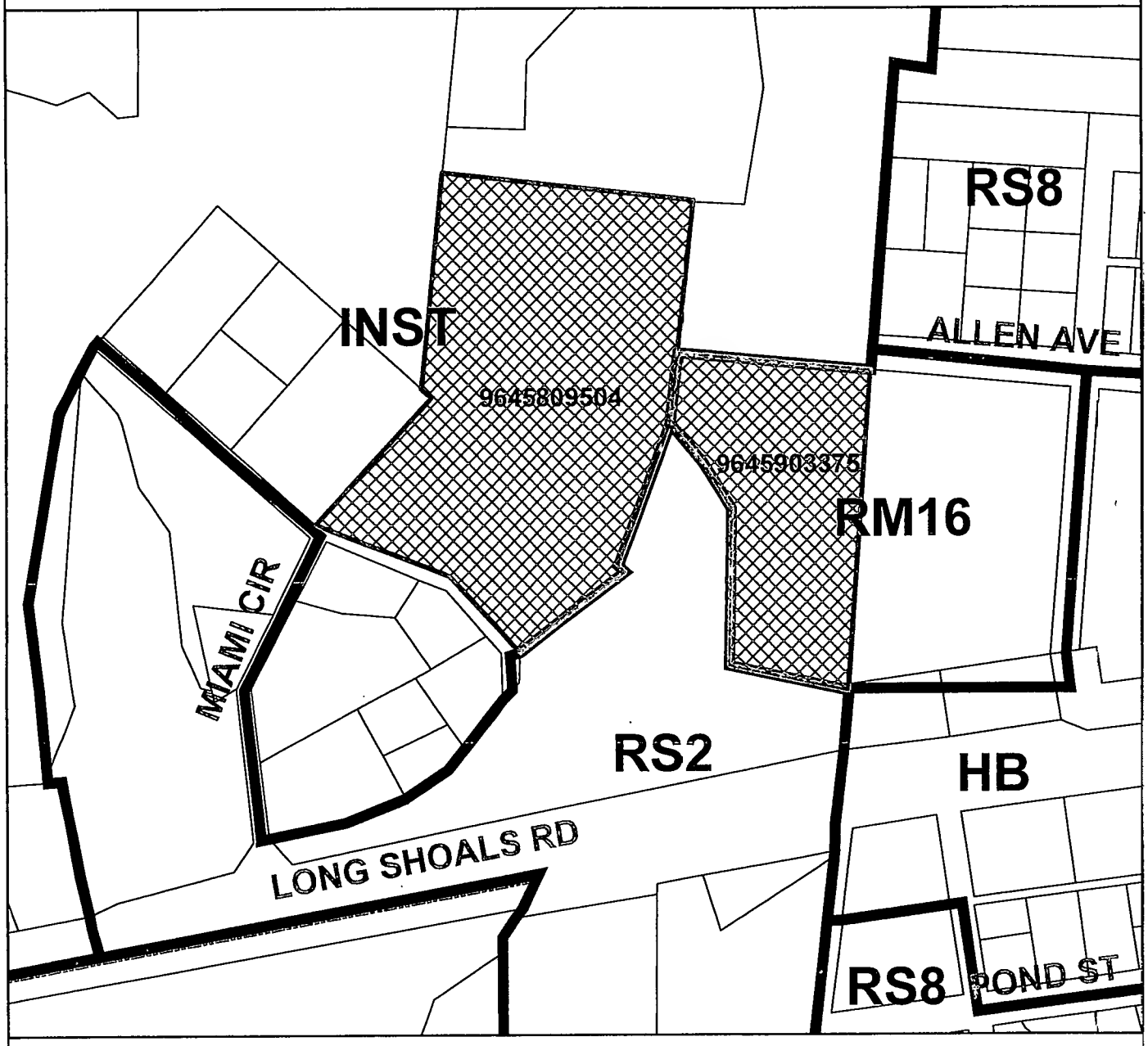
Esther E. Manheimer
Mayor

Approved as to form:

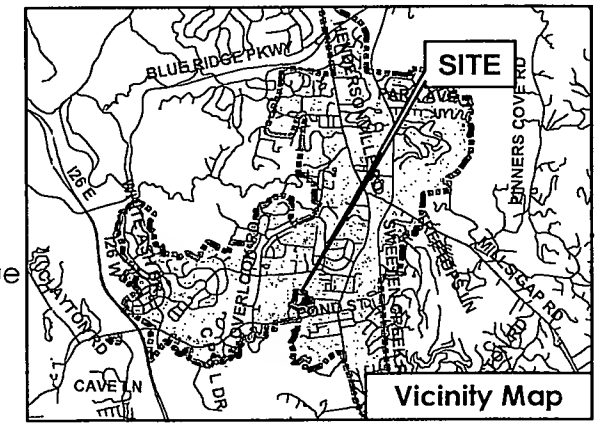
City Attorney

Magdalen Bullison
City Clerk

City of Asheville - Exhibit A Map
CZ - Skyland Exchange



Project Name:	Skyland Exchange
Project Number:	16 - 01219 PZ
Project Description:	Development of a 290-unit multi-family residential project
Petitioner(s):	Warren Sugg
Parcel ID Number(s):	9645.80-9504 9645.90-3375
Location/Address:	55 Miami Circle & 70 Allen Avenue



Project Site
Parcels
Zoning Districts
Asheville City Limits

City of Asheville Department of Planning and Urban Design - February 2016

Exhibit B.1 Conditions | Skyland Exchange CZ

1. The zoning for the site is Institutional – Conditional Zone (INST-CZ).

2. There shall be 290 units contained within eight residential buildings (the project also includes a community clubhouse building and associated structures).

3. The buildings will range from two to four-stories in height and a total of approximately 424,091 combined square feet.

4. Required landscaping includes property line buffer, street trees, building impact, street buffer, tree save area and parking lot landscaping, along with dumpster screening in conformance with the site plan.

5. Portions of the pool, community building and driveway will be allowed to encroach into the required property line buffer along the southern end of the site, pursuant to the site plan.

6. The project will provide open space meeting the required 15% (1.7 acres) which includes natural areas and both passive and active recreation areas.

7. The project will preserve a 30 foot stream buffer along the center of the project area in conformance with the site plan.

8. The project shall contain at least 10% affordable units at rent standards (affordable to and occupied by) not to exceed 80% Area Median Income (AMI) as published in the 2016 Affordable Housing Standards. This commitment will stand for a time period not less than 15 years and the applicant will execute and record an affordability deed restriction outlining these requirements.

9. A standard five foot sidewalk behind a five foot grass strip will be provided along the frontage on Miami Circle in conformance with the site plan, in an easement to be dedicated to the City. The applicant will construct a walking path into the TC Roberson campus from Miami Circle following the existing driveway (exact location to be coordinated with Buncombe County Schools).

10. A minimum of 420 parking spaces are provided throughout the development with a minimum of 21 handicapped accessible spaces and 13 bicycle spaces.

11. Retaining walls will conform to screening requirements found in Section 7-10-5 of the Unified Development Ordinance.

12. The site and building design, construction materials, orientation and layout must substantially comply with the site plan and building elevations (attached hereto) and incorporated by reference. Any major deviations from these plans will result in reconsideration of the project by the reviewing boards.

SKYLAND EXCHANGE

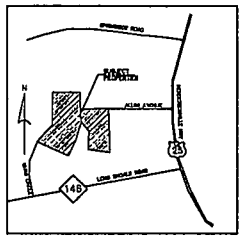
70 ALLEN AVE
ASHEVILLE, NORTH CAROLINA

JANUARY 27, 2016

PREPARED FOR:

HATHAWAY DEVELOPMENT, LLC
5901-C PEACHTREE DUNWOODY ROAD
SUITE 125
ATLANTA, GEORGIA 30328
(770) 448-7047

INDEX OF SHEETS	
Sheet No.	Title
C001	COVER SHEET
C101	EXISTING CONDITIONS AND DEMOLITION PLAN
C201	CONCEPTUAL SITE AND ZONING COMPLIANCE PLAN
C301	CONCEPTUAL GRADING, EROSION CONTROL AND STORM DRAINAGE PLAN
C501	CONCEPTUAL UTILITY PLAN
C801	CONCEPTUAL CONSTRUCTION STAGING PLAN
L101	CONCEPTUAL LANDSCAPE COMPLIANCE PLAN
L201	CONCEPTUAL OPEN SPACE PLAN
A1	BUILDING TYPE I ELEVATIONS
A2	BUILDING TYPE II ELEVATIONS
A8	BUILDING TYPE IV ELEVATIONS
A9	CARRIAGE BUILDING ELEVATIONS



VICINITY MAP
(NOT TO SCALE)

811
Know what's below.
Call before you dig.

DEVELOPMENT DATA	
OWNER/DEVELOPER:	HATHAWAY DEVELOPMENT, LLC 5901-C PEACHTREE DUNWOODY ROAD SUITE 125 ATLANTA, GEORGIA 30328
CONTACT:	NICK HATHAWAY (770)448-7047
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 133 PATTON AVENUE ASHEVILLE, NORTH CAROLINA 28801
CONTACT:	WARREN GUDE, P.E. (828) 333-0325
ARCHITECT:	PUGSLEY & ENGLISH, SCD A.I.A. 3054 MERCER UNIVERSITY DR. STE 110 ATLANTA, GEORGIA 30341
CONTACT:	MARY S. PUGSLEY (770) 457-0813
SURVEYOR:	MoABEE & ASSOCIATES, P.A. 3 MoABEE TRAIL FAIRVIEW, NORTH CAROLINA 28730
CONTACT:	ERIC S. MoABEE, PLS (828)628-1253

FOR REVIEW ONLY

NO.	DATE	DESCRIPTION	BY
1	01/27/16	TRC SUBMITTAL	EDC
2	02/17/16	REVISED LS/STORM PER TRC COMMENTS	EDC
3	03/21/16	TRC RESUBMITTAL PER NEW ENTRANCE	LMC
4	04/22/16	PLANNING AND ZONING SUBMITTAL	EDC

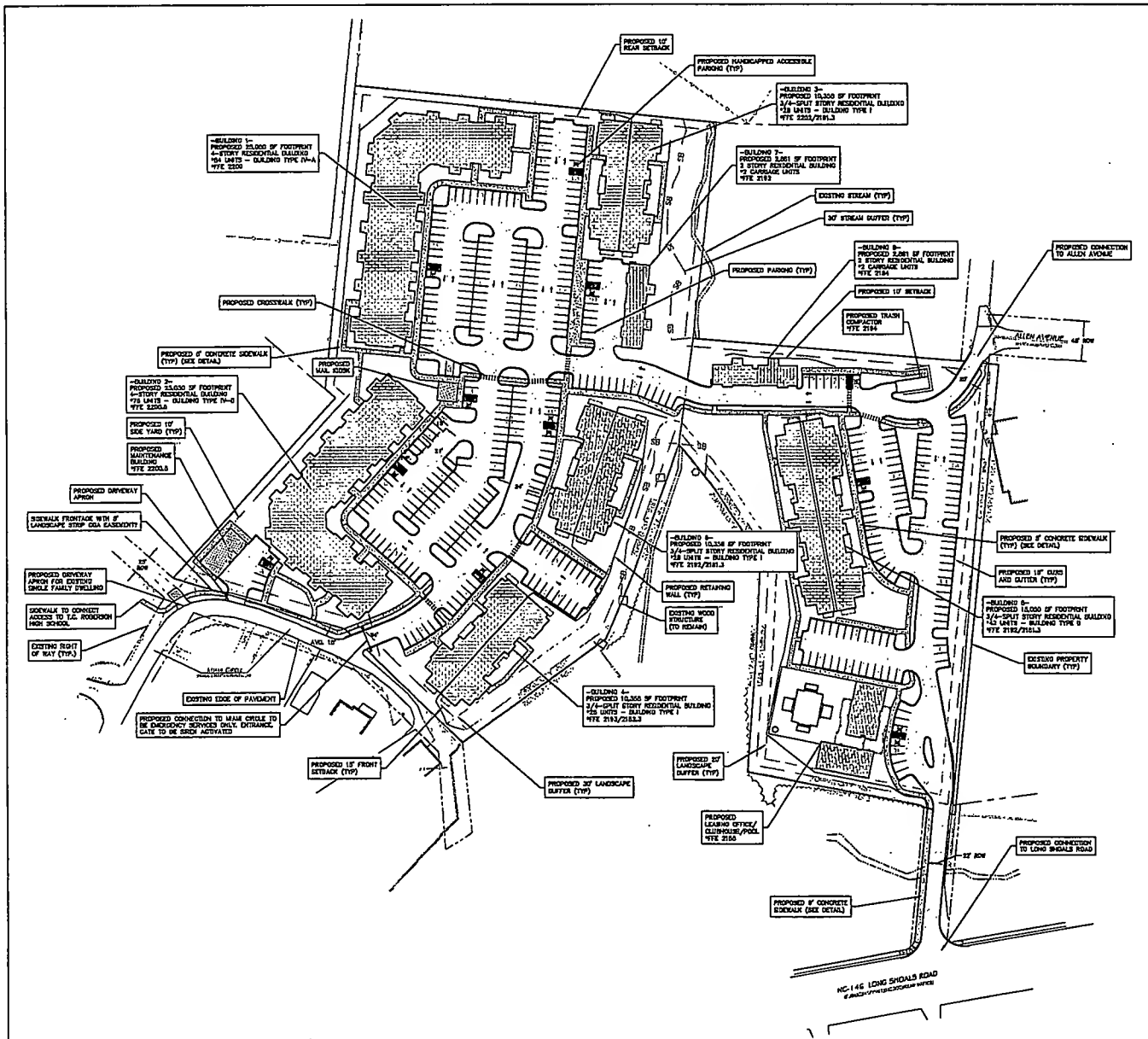
PLEASE CAREFULLY REVIEW PLANS BEFORE CONSTRUCTION
NOT RELEASED FOR CONSTRUCTION

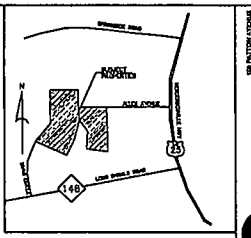
CDC Civil Design Concepts, PA
133 PATTON AVENUE ASHEVILLE, NC 28801 PHONE (828) 333-0325 FAX (828) 333-0423
53 WALNUT STREET - SUITE B TUXEDO, NC 28784 PHONE (828) 505-4019 FAX (828) 333-0423
ACCESS & SUCCESS #: C-3194

COVER FOR: SKYLAND EXCHANGE
HATHAWAY DEVELOPMENT, LLC - ASHEVILLE, NORTH CAROLINA

DATE: 01/27/2016
DRAWN BY: EDC
CDC PROJECT NO.: 11303
SHEET
C001

Exhibit C
343


-BUILDING 1-
PROPOSED 23,000 SF FOOTPRINT
4-STORY RESIDENTIAL BUILDING
*84 UNITS - BUILDING TYPE IV-A
*FF 2200
-BUILDING 2-
PROPOSED 23,030 SF FOOTPRINT
4-STORY RESIDENTIAL BUILDING
*72 UNITS - BUILDING TYPE IV-B
*FF 2200.5
-BUILDING 3-
PROPOSED 10,350 SF FOOTPRINT
3/4-SPLIT STORY RESIDENTIAL BUILDING
*28 UNITS - BUILDING TYPE I
*FF 2201/2191.3
-BUILDING 4-
PROPOSED 10,350 SF FOOTPRINT
3/4-SPLIT STORY RESIDENTIAL BUILDING
*28 UNITS - BUILDING TYPE I
*FF 2193/2183.3
-BUILDING 5-
PROPOSED 10,350 SF FOOTPRINT
3/4-SPLIT STORY RESIDENTIAL BUILDING
*28 UNITS - BUILDING TYPE I
*FF 2192/2181.3
-BUILDING 6-
PROPOSED 10,000 SF FOOTPRINT
3/4-SPLIT STORY RESIDENTIAL BUILDING
*24 UNITS - BUILDING TYPE B
*FF 2182/2161.3
-BUILDING 7-
PROPOSED 2,861 SF FOOTPRINT
1 STORY RESIDENTIAL BUILDING
*2 CARRIAGE UNITS
*FF 2192
-BUILDING 8-
PROPOSED 2,861 SF FOOTPRINT
1 STORY RESIDENTIAL BUILDING
*2 CARRIAGE UNITS
*FF 2184
PROPOSED 10' REAR SETBACK
PROPOSED HANDICAPPED ACCESSIBLE PARKING (TYP)
EXISTING STREAM (TYP)
30' STREAM BUFFER (TYP)
PROPOSED PARKING (TYP)
PROPOSED 10' SETBACK
PROPOSED TRASH COMPACTOR *FF 2194
PROPOSED CONNECTION TO ALLEN AVENUE
ALLEN AVENUE - 48' ROW
PROPOSED CROSSWALK (TYP)
PROPOSED 6' CONCRETE SIDEWALK (TYP) (SEE DETAIL)
PROPOSED MAIL KIOSK
PROPOSED 10' SIDE YARD (TYP)
PROPOSED MAINTENANCE BUILDING *FF 2200.5
PROPOSED DRIVEWAY APRON
SIDEWALK FRONTAGE WITH 8' LANDSCAPE STRIP DOA EASEMENT?
PROPOSED DRIVEWAY APRON FOR EXISTING SINGLE FAMILY DWELLING
SIDEWALK TO CONNECT ACCESS TO T.A. ROBINSON HIGH SCHOOL
EXISTING RIGHT OF WAY (TYP.)
EXISTING EDGE OF PAVEMENT
PROPOSED CONNECTION TO MIAMI CIRCLE TO BE EMERGENCY SERVICES ONLY. ENTRANCE GATE TO BE SIREN ACTIVATED
PROPOSED 15' FRONT SETBACK (TYP)
PROPOSED 30' LANDSCAPE BUFFER (TYP)
PROPOSED RETAINING WALL (TYP)
EXISTING WOOD STRUCTURE (TO REMAIN)
PROPOSED 30' LANDSCAPE BUFFER (TYP)
PROPOSED CLUBHOUSE/OFFICE/POOL *FF 2150
PROPOSED 6' CONCRETE SIDEWALK (SEE DETAIL)
PROPOSED 6' CONCRETE SIDEWALK (TYP) (SEE DETAIL)
PROPOSED 18" CURB AND GUTTER (TYP)
EXISTING PROPERTY BOUNDARY (TYP)
PROPOSED CONNECTION TO LONG SHOALS ROAD
22' ROW
NC-146 LONG SHOALS ROAD



VICINITY MAP
(NOT TO SCALE)

DEVELOPMENT DATA

OWNER/DEVELOPER: HATHAWAY DEVELOPMENT, LLC
6901-C PEACHTREE DUNWOODY ROAD
SUITE 133
ATLANTA, GEORGIA 30328
CONTACT: NICK HATHAWAY
(770)648-7047

CIVIL ENGINEER: CIVIL DESIGN CONCEPTS, P.A.
150 PATTON AVENUE
ASHEVILLE, NORTH CAROLINA 28801
CONTACT: KARSON DUCK, P.E.
(828) 253-4365

ARCHITECT: FUOCIANO & ENGLISH, INC A.I.A.
3084 MERCER UNIVERSITY DR. STE 110
ATLANTA, GEORGIA 30341
CONTACT: MARY S. FUOCIANO
(770) 407-0813

SURVEYOR: WAMEK & ASSOCIATES, P.A.
3 WAMEK TRAIL
FAIRVIEW, NORTH CAROLINA 28730
CONTACT: ERIC S. WAMEK, PLS
(828)628-1250

PROJECT DATA

PIN: 9640-60-6604 & 9640-60-3378
ADDRESS: 60 MIAMI CIRCLE & 70 ALLEN AVENUE
DEED BOOK/PAGE: 5361/1097 & 5361/1264
SITE ACREAGE: 3.58 & 3.73 ACRES (11.30 TOTAL AC.)
EXISTING ZONING: RST & RM16
PROPOSED ZONING: RST-CD
DISTURBED AREA: 10.03 AC

SETBACKS: INSTITUTIONAL (INST)

FRONT:	15'
SIDE:	10'
REAR:	10'

PARKING CALCULATIONS:

	MINIMUM	MAXIMUM
258 1/2-BEDROOMS (1 PER 1 UNIT)	258	516
33 2+BEDROOMS (2 PER 1 UNIT)	64	96
SPACES REQUIRED:	322	612
SPACES PROVIDED:	420	

HANDICAPPED SPACES:
SPACES REQUIRED: 8 SPACES PROVIDED: 13
BICYCLE:
MINIMUM REQUIRED: 21 (5%) AMOUNT PROVIDED: 21

BUILDING DATA:

BUILDING	STORIES	HEIGHT	GFA
BUILDING TYPE I	3/4	35'	36,253 SF
BUILDING TYPE I	3/4	35'	62,970 SF
BUILDING TYPE IV-A	4	47'-6"	105,200 SF
BUILDING TYPE IV-B	4	47'-6"	94,340 SF
MAIL	1	9'-6"	241 SF
CARRIAGE UNIT	2	20'	5,722 SF
LAUNDRY/CAR WASH/MAINT.	1	15'-6"	1,424 SF
CLUB HOUSE	1	14'	3,457 SF

DENSITY CALCULATIONS:

RESIDENTIAL DENSITY - DUD:	30/ACRE
MAXIMUM UNITS ALLOWED:	341 UNITS
UNITS PROPOSED:	330 UNITS

IMPERVIOUS CALCULATIONS:

	IMPERVIOUS	PERVIOUS
PRE-DEVELOPMENT:	1.1 ACRES (10%)	10.3 ACRES (90%)
POST-DEVELOPMENT:	7.5 ACRES (67%)	3.8 ACRES (33%)

OPEN SPACE CALCULATIONS:
REQUIRED: 1.7 AC (15%) PROVIDED: 1.7 AC

811 Know what's below. Call before you dig.

NORTH

CONCEPTUAL SITE AND ZONING COMPLIANCE PLAN

GRAPHIC SCALE

0 30 60 90 120 180

(IN FEET)
1 inch = 60 ft.

FOR REVIEW ONLY

POST PRELIMINARY NOT RELEASED FOR CONSTRUCTION

NO.	DATE	DESCRIPTION	BY
1	01/22/18	TRC SUBMITTAL	SKB
2	02/21/18	REVISED LAYOUT PER TRC COMMENTS	KDC
3	03/21/18	TRC RESIDENTIAL PER KDH ENTRANCE	MJG
4	04/22/18	PLANNING AND ZONING SUBMITTAL	KDC

CDC Civil Design Concepts, PA
150 PATTON AVENUE ASHEVILLE, NC 28801 PHONE (828) 253-4365 FAX (828) 253-4330
51 WALKER STREET, SUITE B ASHEVILLE, NC 28801 PHONE (828) 505-4169 FAX (828) 505-4330
www.civildesignconcepts.com
NC#C-3 LICENSED in C-2194

CONCEPTUAL SITE AND ZONING COMPLIANCE PLAN FOR

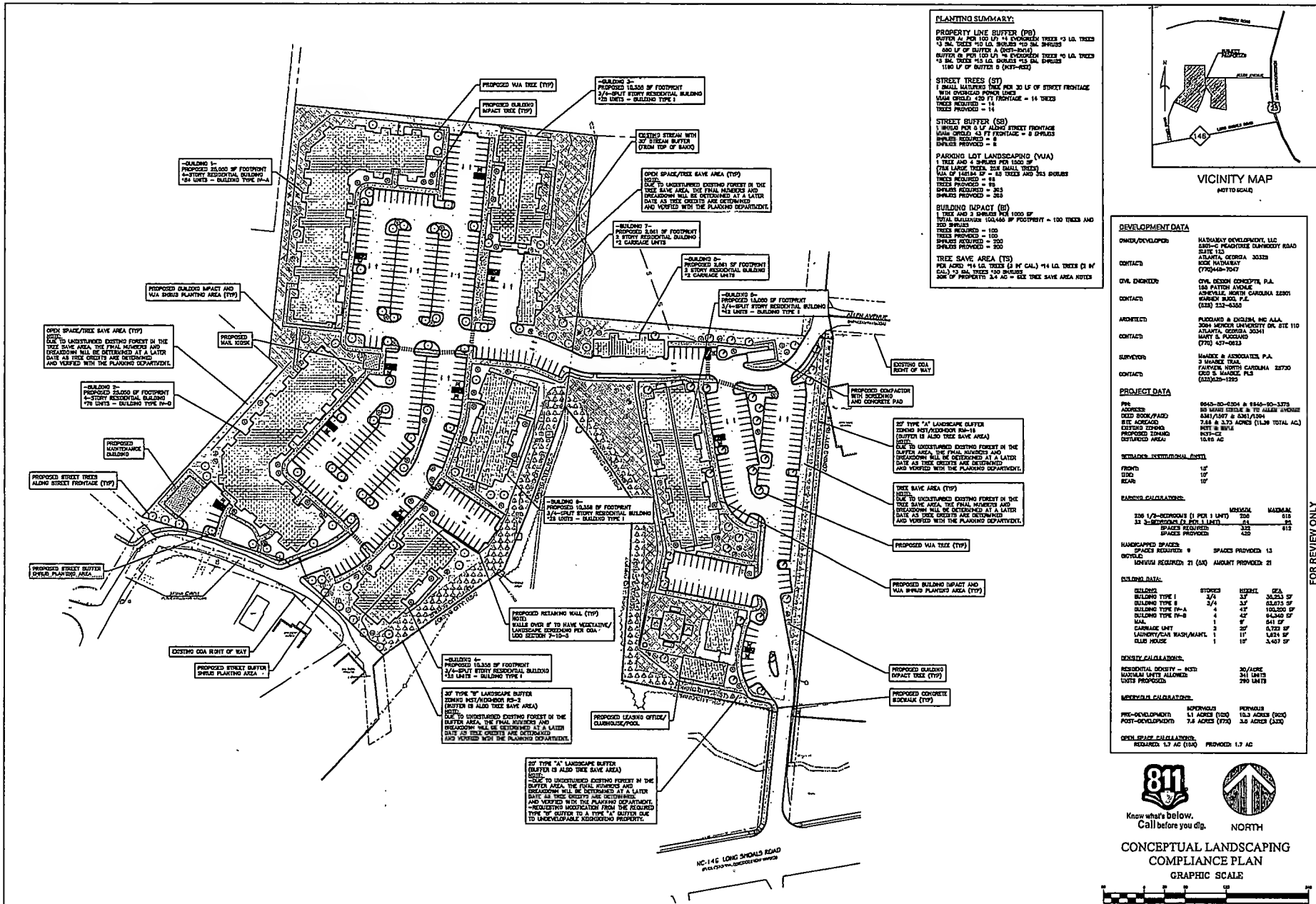
SKYLAND EXCHANGE

HATHAWAY DEVELOPMENT, LLC - ASHEVILLE, NORTH CAROLINA

DATED: 01/27/2018
DRAWN BY: SKB
CDC PROJECT NO: 1365

SHEET

C201


PROPOSED WJA TREE (TYP)
PROPOSED BUILDING IMPACT TREE (TYP)
-BUILDING 3-
PROPOSED 10,350 SF FOOTPRINT
3/4-SPLIT STORY RESIDENTIAL BUILDING
*25 UNITS - BUILDING TYPE I
EXISTING STREAM WITH 30' STREAM BUFFER (FROM TOP OF BANK)
-BUILDING 1-
PROPOSED 25,000 SF FOOTPRINT
4-STORY RESIDENTIAL BUILDING
*84 UNITS - BUILDING TYPE IV-A
OPEN SPACE/TREE SAVE AREA (TYP)
NOTE:
DUE TO UNDISTURBED EXISTING FOREST IN THE TREE SAVE AREA, THE FINAL NUMBERS AND BREAKDOWN WILL BE DETERMINED AT A LATER DATE AS TREE CREDITS ARE DETERMINED AND VERIFIED WITH THE PLANNING DEPARTMENT.
-BUILDING 7-
PROPOSED 2,561 SF FOOTPRINT
2 STORY RESIDENTIAL BUILDING
*2 GARAGE UNITS
-BUILDING 2-
PROPOSED 2,561 SF FOOTPRINT
2 STORY RESIDENTIAL BUILDING
*2 GARAGE UNITS
PROPOSED BUILDING IMPACT AND WJA SHRUB PLANTING AREA (TYP)
-BUILDING 8-
PROPOSED 13,000 SF FOOTPRINT
3/4-SPLIT STORY RESIDENTIAL BUILDING
*16 UNITS - BUILDING TYPE I
ALLEN AVENUE
PROPOSED MAIL KIOSK
EXISTING CDA RIGHT OF WAY
-BUILDING 2-
PROPOSED 25,000 SF FOOTPRINT
4-STORY RESIDENTIAL BUILDING
*76 UNITS - BUILDING TYPE IV-B
PROPOSED COMPACTOR WITH SCREENING AND CONCRETE PAD
PROPOSED MAINTENANCE BUILDING
20' TYPE "A" LANDSCAPE BUFFER
ZONING POST/NEIGHBOR RM-16
(BUFFER IS ALSO TREE SAVE AREA)
NOTE:
DUE TO UNDISTURBED EXISTING FOREST IN THE BUFFER AREA, THE FINAL NUMBERS AND BREAKDOWN WILL BE DETERMINED AT A LATER DATE AS TREE CREDITS ARE DETERMINED AND VERIFIED WITH THE PLANNING DEPARTMENT.
PROPOSED STREET TREES ALONG STREET FRONTAGE (TYP)
-BUILDING 6-
PROPOSED 10,350 SF FOOTPRINT
3/4-SPLIT STORY RESIDENTIAL BUILDING
*25 UNITS - BUILDING TYPE I
TREE SAVE AREA (TYP)
NOTE:
DUE TO UNDISTURBED EXISTING FOREST IN THE TREE SAVE AREA, THE FINAL NUMBERS AND BREAKDOWN WILL BE DETERMINED AT A LATER DATE AS TREE CREDITS ARE DETERMINED AND VERIFIED WITH THE PLANNING DEPARTMENT.
PROPOSED WJA TREE (TYP)
PROPOSED STREET BUFFER SHRUB PLANTING AREA
PROPOSED RETAINING WALL (TYP)
NOTE:
WALLS OVER 6' TO HAVE VEGETATIVE/LANDSCAPE SCREENING PER CDA/UDO SECTION 7-10-3
PROPOSED BUILDING IMPACT AND WJA SHRUB PLANTING AREA (TYP)
EXISTING CDA RIGHT OF WAY
-BUILDING 4-
PROPOSED 10,350 SF FOOTPRINT
3/4-SPLIT STORY RESIDENTIAL BUILDING
*25 UNITS - BUILDING TYPE I
PROPOSED BUILDING IMPACT TREE (TYP)
30' TYPE "B" LANDSCAPE BUFFER
ZONING POST/NEIGHBOR RS-2
(BUFFER IS ALSO TREE SAVE AREA)
NOTE:
DUE TO UNDISTURBED EXISTING FOREST IN THE BUFFER AREA, THE FINAL NUMBERS AND BREAKDOWN WILL BE DETERMINED AT A LATER DATE AS TREE CREDITS ARE DETERMINED AND VERIFIED WITH THE PLANNING DEPARTMENT.
PROPOSED CONCRETE SIDEWALK (TYP)
PROPOSED LEASING OFFICE/ CLUBHOUSE/POOL
20' TYPE "A" LANDSCAPE BUFFER
(BUFFER IS ALSO TREE SAVE AREA)
NOTE:
-DUE TO UNDISTURBED EXISTING FOREST IN THE BUFFER AREA, THE FINAL NUMBERS AND BREAKDOWN WILL BE DETERMINED AT A LATER DATE AS TREE CREDITS ARE DETERMINED AND VERIFIED WITH THE PLANNING DEPARTMENT.
-REQUESTING MODIFICATION FROM THE REQUIRED TYPE "B" BUFFER TO A TYPE "A" BUFFER DUE TO UNDEVELOPABLE NEIGHBORING PROPERTY.
NC-146 LONG SHOALS ROAD

PLANTING SUMMARY:

PROPERTY LINE BUFFER (PB)
BUFFER A: PER 100 LF: 4 EVERGREEN TREES +3 LG. TREES +3 SM. TREES +10 LG. SHRUBS +10 SM. SHRUBS
600 LF OF BUFFER A (NOT-ROW)
BUFFER B: PER 100 LF: 4 EVERGREEN TREES +5 LG. TREES +3 SM. TREES +3 LG. SHRUBS +13 SM. SHRUBS
1180 LF OF BUFFER B (NOT-ROW)

STREET TREES (ST)
1 SMALL MATURING TREE PER 30 LF OF STREET FRONTAGE WITH OVERHEAD POWER LINES
MAIN GROUP: 420 FT FRONTAGE = 14 TREES
TREES REQUIRED = 14
TREES PROVIDED = 14

STREET BUFFER (SB)
1 SHRUB PER 5 LF ALONG STREET FRONTAGE
MAIN GROUP: 43 FT FRONTAGE = 2 SHRUBS
SHRUBS REQUIRED = 2
SHRUBS PROVIDED = 2

PARKING LOT LANDSCAPING (VUA)
1 TREE AND 4 SHRUBS PER 1500 SF
(75% LARGE TREES, 25% SMALL TREES)
VUA OF 140184 SF = 93 TREES AND 373 SHRUBS
TREES REQUIRED = 93
TREES PROVIDED = 93
SHRUBS REQUIRED = 373
SHRUBS PROVIDED = 373

BUILDING IMPACT (BI)
1 TREE AND 3 SHRUBS PER 1000 SF
TOTAL BUILDINGS 100,466 SF FOOTPRINT = 100 TREES AND 300 SHRUBS
TREES REQUIRED = 100
TREES PROVIDED = 100
SHRUBS REQUIRED = 300
SHRUBS PROVIDED = 300

TREE SAVE AREA (TS)
PER ACRE: *14 LG. TREES (2 IN" CAL.) *14 LG. TREES (3 IN" CAL.) *3 SM. TREES *30 SHRUBS
30% OF PROPERTY: 3.4 AC = SEE TREE SAVE AREA NOTES

VICINITY MAP
(NOT TO SCALE)

DEVELOPMENT DATA

OWNER/DEVELOPER:	HATHAWAY DEVELOPMENT, LLC 2301-C PEACHTREE DUNWOODY ROAD SUITE 123 ATLANTA, GEORGIA 30328
CONTACT:	KICK HATHAWAY (770)448-7047
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 155 PATTON AVENUE ASHEVILLE, NORTH CAROLINA 28801
CONTACT:	BARRY BURD, P.E. (828) 252-6350
ARCHITECT:	FUGGIANO & ENGLISH, AIC AIA A. 3084 MERCER UNIVERSITY DR. STE 110 ATLANTA, GEORGIA 30341
CONTACT:	MARY S. FUGGIANO (770) 457-0823
SURVEYOR:	MADDOX & ASSOCIATES, P.A.
CONTACT:	3 MCARE TRAIL FAIRVIEW, NORTH CAROLINA 28730 CECIL S. MADDOX, PLS (828)628-1295

PROJECT DATA

PIN:	9645-80-0304 & 9646-90-1375
ADDRESS:	85 MARI CIRCLE & 70 ALLEN AVENUE
DEED BOOK/PAGE:	5361/1007 & 5361/1004
SITE ACREAGE:	7.66 & 3.73 ACRES (11.39 TOTAL AC.)
EXISTING ZONING:	RST-16 RMU
PROPOSED ZONING:	RCD-CZ
DISTURBED AREA:	10.69 AC

SETBACKS (INSTITUTIONAL USE):

FRONT:	15'
SIDE:	10'
REAR:	15'

PARKING CALCULATIONS:

	MINIMUM	MAXIMUM
226 1/2-BEDROOMS (1 PER 1 UNIT)	226	678
22 3-BEDROOMS (2 PER 1 UNIT)	44	66
SPACES REQUIRED	270	812
SPACES PROVIDED	420	

HANDICAPPED SPACES:
SPACES REQUIRED: 9 SPACES PROVIDED: 13

BICYCLE:
MINIMUM REQUIRED: 21 (5%) AMOUNT PROVIDED: 21

BUILDING DATA:

	STORIES	HEIGHT	AREA
BUILDING TYPE I	3/4	34'	36,253 SF
BUILDING TYPE II	3/4	34'	53,675 SF
BUILDING TYPE IV-A	4	49'	100,300 SF
BUILDING TYPE IV-B	4	49'	64,340 SF
MAIL	1	9'6"	541 SF
CARRIAGE UNIT	2	28'8"	5,122 SF
LAUNDRY/CAR WASH/MAINT.	1	11'	1,824 SF
CLUB HOUSE	1	15'	3,457 SF

DENSITY CALCULATIONS:

RESIDENTIAL DENSITY - RST:	20/ACRE
MAXIMUM UNITS ALLOWED:	341 UNITS
UNITS PROPOSED:	290 UNITS

IMPERVIOUS CALCULATIONS:

	IMPERVIOUS	PERVIOUS
PRE-DEVELOPMENT:	1.1 ACRES (10%)	10.3 ACRES (90%)
POST-DEVELOPMENT:	7.8 ACRES (72%)	3.0 ACRES (28%)

OPEN SPACE CALCULATIONS:
REQUIRED: 1.7 AC (15%) PROVIDED: 1.7 AC

811 Know what's below. Call before you dig.

NORTH

CONCEPTUAL LANDSCAPING COMPLIANCE PLAN
GRAPHIC SCALE

(IN FEET)
1 inch = 60 ft.

FOR REVIEW ONLY
NOT RELEASED FOR CONSTRUCTION

NO.	DATE	DESCRIPTION	BY
1	9/27/18	TRC SUBMITTAL	DSE
2	02/11/19	REVISED CLARITION PER TRC COMMENTS	LMC
3	03/12/19	TRC RESUBMITTAL PER NEW ENTRANCE	DSE
4	04/22/19	PLANNING AND ZONING SUBMITTAL	

CDC Civil Design Concepts, P.A.
155 PATTON AVENUE
ASHEVILLE, NC 28801
PHONE (828) 252-6350
FAX (828) 252-6353
www.civildesignconcepts.com
83 PULLIAM STREET - SUITE B
SYLVA, NC 28779
PHONE (828) 631-4188
FAX (828) 631-4189
MICHELE MCCRIGLER P. CA-2184

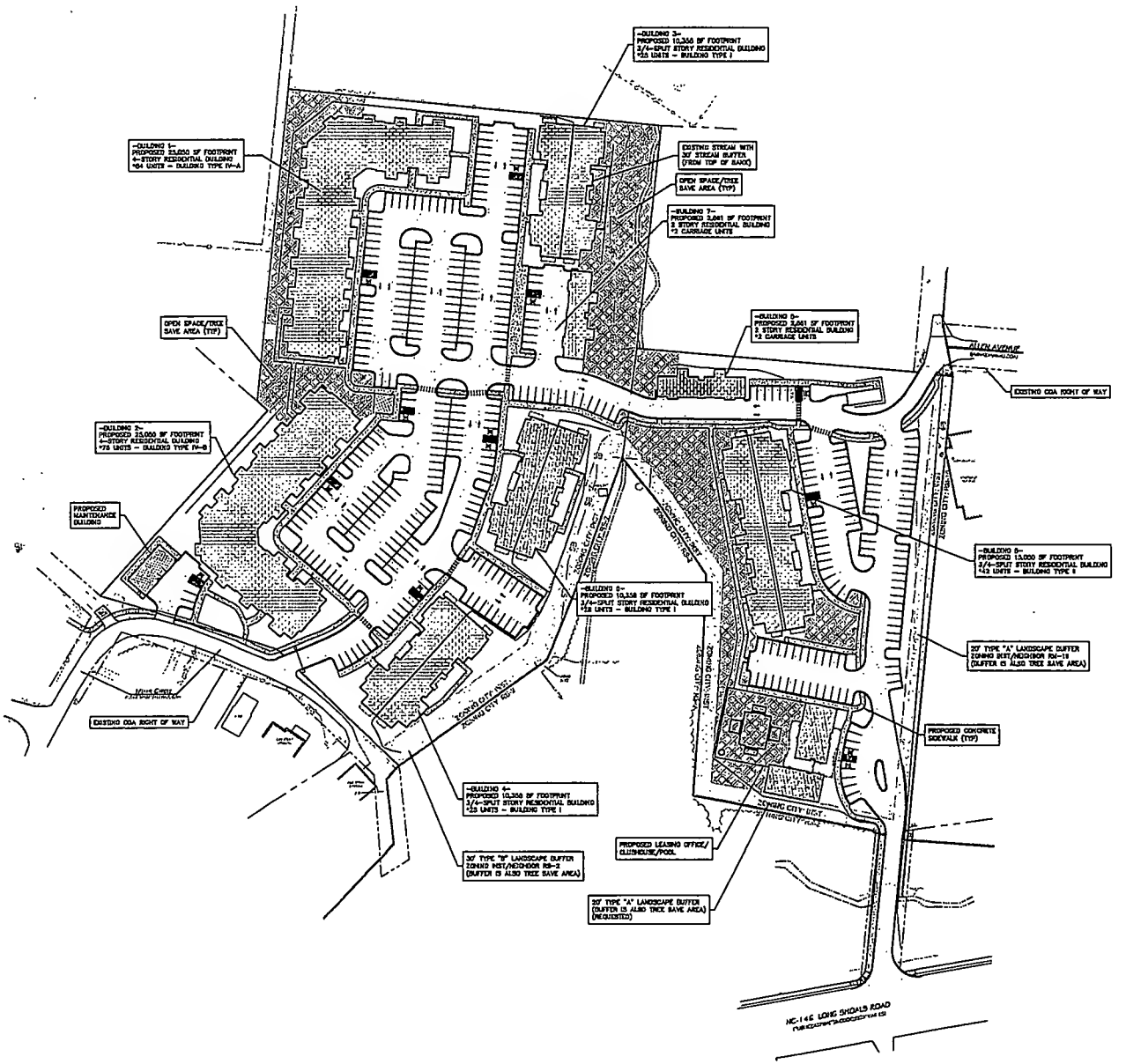
CONCEPTUAL LANDSCAPE COMPLIANCE PLAN FOR:

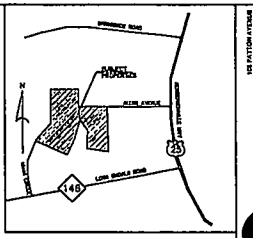
SKYLAND EXCHANGE

HATHAWAY DEVELOPMENT, LLC - ASHEVILLE, NORTH CAROLINA

DATE: 09/27/2018
DRAWN BY: SLB
CDC PROJECT NO.: 11363

SHEET
L101


-BUILDING 1-
PROPOSED 21,000 SF FOOTPRINT
4-STORY RESIDENTIAL BUILDING
*84 UNITS - BUILDING TYPE IV-A
-BUILDING 2-
PROPOSED 25,000 SF FOOTPRINT
4-STORY RESIDENTIAL BUILDING
*78 UNITS - BUILDING TYPE IV-B
PROPOSED MAINTENANCE BUILDING
-BUILDING 3-
PROPOSED 10,356 SF FOOTPRINT
3/4-SPLIT STORY RESIDENTIAL BUILDING
*25 UNITS - BUILDING TYPE I
EXISTING STREAM WITH 30' STREAM BUFFER (FROM TOP OF BANK)
OPEN SPACE/TREE SAVE AREA (TYP)
-BUILDING 7-
PROPOSED 3,061 SF FOOTPRINT
3 STORY RESIDENTIAL BUILDING
*3 CARRIAGE UNITS
-BUILDING 8-
PROPOSED 3,061 SF FOOTPRINT
3 STORY RESIDENTIAL BUILDING
*3 CARRIAGE UNITS
EXISTING CDA RIGHT OF WAY
-BUILDING 9-
PROPOSED 13,000 SF FOOTPRINT
2/4-SPLIT STORY RESIDENTIAL BUILDING
*45 UNITS - BUILDING TYPE II
-BUILDING 6-
PROPOSED 10,356 SF FOOTPRINT
3/4-SPLIT STORY RESIDENTIAL BUILDING
*25 UNITS - BUILDING TYPE I
20' TYPE "A" LANDSCAPE BUFFER
ZONING DIST/MEDIUM RM-18
(BUFFER IS ALSO TREE SAVE AREA)
PROPOSED CONCRETE SIDEWALK (TYP)
-BUILDING 4-
PROPOSED 10,356 SF FOOTPRINT
3/4-SPLIT STORY RESIDENTIAL BUILDING
*25 UNITS - BUILDING TYPE I
30' TYPE "B" LANDSCAPE BUFFER
ZONING DIST/MEDIUM RM-2
(BUFFER IS ALSO TREE SAVE AREA)
PROPOSED LEASING OFFICE/ CLUBHOUSE/POOL
20' TYPE "A" LANDSCAPE BUFFER
(BUFFER IS ALSO TREE SAVE AREA)
(REQUIRED)
EXISTING CDA RIGHT OF WAY
ZONING DISTRICT
NC 146 LONG SHOALS ROAD



VICINITY MAP
(NOT TO SCALE)

DEVELOPMENT DATA

OWNER/DEVELOPER:	HATHAWAY DEVELOPMENT, LLC 5605-C PEACHTREE DUNWOODY ROAD SUITE 120 ATLANTA, GEORGIA 30328
CONTACT:	RICK HATHAWAY (770)448-7047
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 128 PATTON AVENUE ASHEVILLE, NORTH CAROLINA 28801
CONTACT:	WARREN BUSO, P.E. (828) 253-0388
ARCHITECT:	PUGGIANO & ENGLISH, INC AIA.
CONTACT:	3084 MERCER UNIVERSITY DR. STE 110 ATLANTA, GEORGIA 30341 MARY B. PUGGIANO (770) 457-0533
SURVEYOR:	MaMEE & ASSOCIATES, P.A.
CONTACT:	3 MAMEE TRAIL FAIRVIEW, NORTH CAROLINA 28730 GEO E. MaMEE, PLS (828)628-1295

PROJECT DATA

PIN:	9645-00-8004 & 9645-00-3378
ADDRESS:	60 MIMI CIRCLE & 70 ALLEN AVENUE
DEED BOOK/PAGE:	5361/1567 & 5361/1564
SITE ACREAGE:	7.69 & 3.73 ACRES (11.38 TOTAL AC.)
EXISTING ZONING:	R-1 & RM-8
PROPOSED ZONING:	R-1-CZ
DISTURBED AREA:	13.83 AC

SETBACKS (INSTITUTIONAL USES)

FRONT:	10'
SIDE	10'
REAR:	10'

PARKING CALCULATIONS:

	MINIMUM	MAXIMUM
220 1/2-BEDROOMS (1 PER 1 UNIT)	220	510
33 2-BEDROOMS (1.5 PER 1 UNIT)	114	264
SPACES REQUIRED:	332	812
SPACES PROVIDED:	420	

HANDICAPPED SPACES:
SPACES REQUIRED: 8 SPACES PROVIDED: 13

BICYCLE:
MINIMUM REQUIRED: 21 (5%) AMOUNT PROVIDED: 21

BUILDING DATA:

BUILDING	STORIES	HEIGHT	GFA
BUILDING TYPE I	3/4	52'	36,253 SF
BUILDING TYPE II	3/4	53'	63,675 SF
BUILDING TYPE IV-A	4	62'	105,000 SF
BUILDING TYPE IV-B	4	62'	94,360 SF
MAIL	1	9'	841 SF
CARRIAGE UNIT	2	30'	6,722 SF
LAUNDRY/CAR WASH/MAINT.	1	15'	1,674 SF
CLUB HOUSE	1	15'	3,457 SF

DENSITY CALCULATIONS:

RESIDENTIAL DENSITY - RST:	30/ACRE
MAXIMUM UNITS ALLOWED:	341 UNITS
UNITS PROPOSED:	220 UNITS

IMPERVIOUS CALCULATIONS:

	IMPERVIOUS	PERVIOUS
PRE-DEVELOPMENT:	1.1 ACRES (10%)	10.3 ACRES (90%)
POST-DEVELOPMENT:	7.8 ACRES (67%)	3.8 ACRES (33%)

OPEN SPACE CALCULATIONS:
REQUIRED: 1.7 AC (15%) PROVIDED: 1.7 AC

811 Know what's below. Call before you dig.

NORTH

CONCEPTUAL OPEN SPACE PLAN

GRAPHIC SCALE

(IN FEET)
1 inch = 60 ft.

FOR REVIEW ONLY

PRELIMINARY PLAT NOT RELEASED FOR CONSTRUCTION

NO.	DATE	DESCRIPTION	DRN
1	01/27/16	TRC SUBMITTAL	
2	02/22/16	REVISED LAYOUT FOR TRC COMMENTS	ESC
3	03/21/16	TRC RESUBMITTAL FOR NEW ENTRANCE	LMG
4	04/22/16	PLANNING AND ZONING SUBMITTAL	FTC

CDC Civil Design Concepts, P.A.

128 PATTON AVENUE
ASHEVILLE, NC 28801
PHONE (828) 253-0388
FAX (828) 253-3168

82 WALNUT STREET - SUITE B
TUNNELVILLE, NC 28784
PHONE (828) 452-4110
FAX (828) 452-4112

www.civildesignconcepts.com

NC(828.3.1)/C1028 P: C-3194

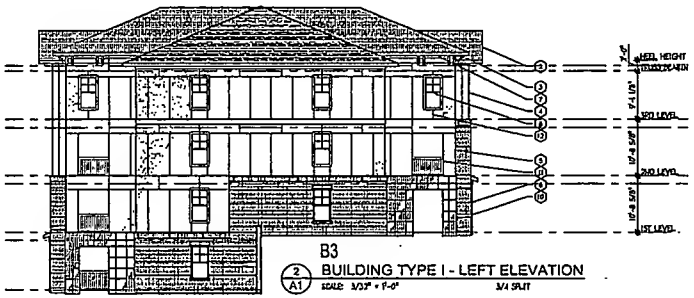
CONCEPTUAL OPEN SPACE PLAN FOR:
HATHAWAY DEVELOPMENT, LLC - ASHEVILLE, NORTH CAROLINA

SKYLAND EXCHANGE

DATE: 01/27/2016
DRAWN BY: SAB
CDC PROJECT NO.: 11363

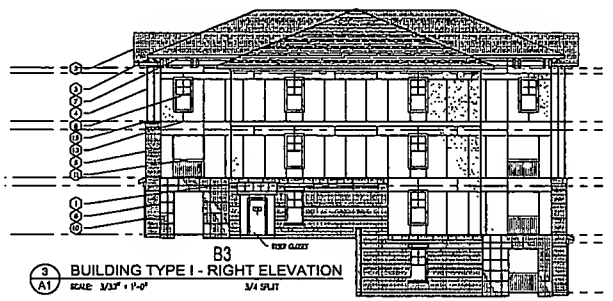
SHEET
L102

1 / A1 BUILDING TYPE I - FRONT ELEVATION
SCALE: 3/32" = 1'-0" 3/4 SPLIT



2 / A1 BUILDING TYPE I - LEFT ELEVATION
SCALE: 3/32" = 1'-0" 3/4 SPLIT

ELEVATION LEGEND
1 STANDING SEAM METAL ROOFING
2 ARCHITECTURAL DIMENSIONED SHINGLES
3 DECORATIVE BRACKETS, CEDAR OR EYRON
4 FIBRE CEMENT, PANELS ON PT. FURR., 2X COMP. BATTENS, 16"O/C
5 RTNG WALL, ALL FRAMING TO BE PRESSURE TREATED @ DECKS, TYP.
6 TWO TONE BANDING @ BRICK VENEER
7 FIBRE CEMENTITIOUS TRIM
8 ALUMINUM WINDOWS- SEE SCHEDULE
9 FRENCH DOOR- SEE SCHEDULE
10 24" SQUARE METALLIC TILING
11 VINYL HANDRAIL SYSTEM, PICKETS @ 4" O.C. MAX.
12 FIBRE CEMENT, PANELS ON P.T. FURRING STRIPS, W/ REGLETS
13 BRICK VENEER, COMPLIMENTING PALETTE (TWO BATCHES)



3 / A1 BUILDING TYPE I - RIGHT ELEVATION
SCALE: 3/32" = 1'-0" 3/4 SPLIT

4 / A1 BUILDING TYPE I - REAR ELEVATION
SCALE: 3/32" = 1'-0" 3/4 SPLIT

PUCCIANO & ENGLISH, INC.
ARCHITECTS, AIA
3084 MERCER UNIVERSITY DRIVE SUITE 110
ATLANTA, GA 30341
PH 770-457-9223, FAX 770-451-0092
web.puccianc-english.com

JOB No: 15
DRAWN BY: MP
CHECK BY: FP

JOB PROGRESS:

ITEM	DATE
2	3.4

REVISIONS:

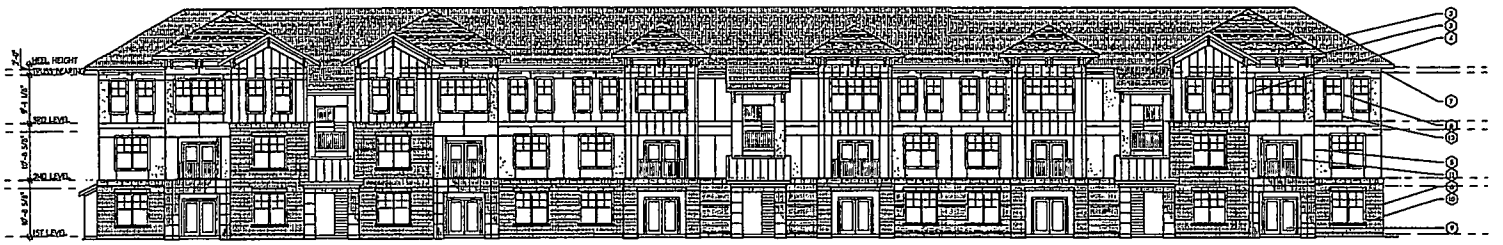
DATE NO.
A
B
C

This drawing as an instrument of service is and shall remain the property of the Architect whether the project for which it is made is executed or not. It is not to be used in any way without the permission of the Architect.

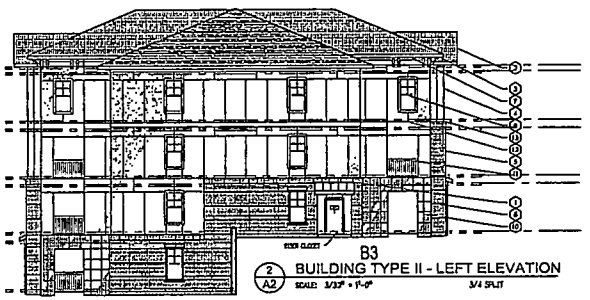
SKYLAND EXCHANGE
AN APARTMENT COMMUNITY
ASHEVILLE, NORTH CAROLINA
FOR
HATHAWAY DEVELOPMENT
ATLANTA, GEORGIA

GARDEN APARTMENT TYPE I
EXTERIOR ELEVATIONS

SHEET NO.
A-1

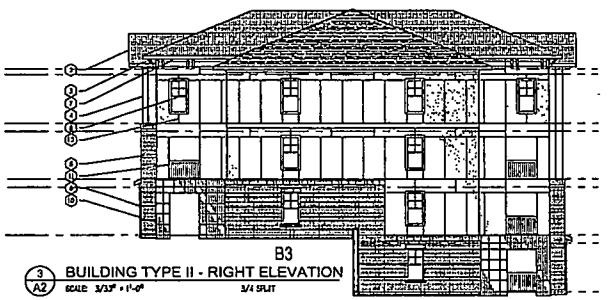


1 A2 BUILDING TYPE II - FRONT ELEVATION
SCALE: 3/32" = 1'-0" 3/4 SPLIT

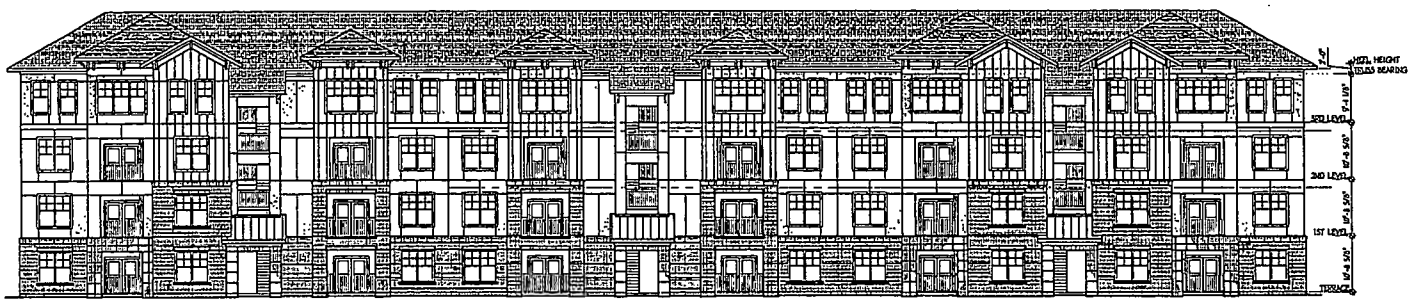


2 A2 BUILDING TYPE II - LEFT ELEVATION
SCALE: 3/32" = 1'-0" 3/4 SPLIT

ELEVATION LEGEND
1 STANDING SEAM METAL ROOFING
2 ARCHITECTURAL DIMENSIONED SHINGLES
3 DECORATIVE BRACKETS, CEDAR OR EYRON
4 FIBRE CEMENT, PANELS ON PT. FURR., 2X COMP. BATTENS, 16"O/C
5 WING WALL, ALL FRAMING TO BE PRESSURE TREATED @ DECKS, TYP.
6 TWO TONE BANDING @ BRICK VENEER
7 FIBRE CEMENTITIOUS TRIM
8 ALUMINUM WINDOWS- SEE SCHEDULE
9 FRENCH DOOR- SEE SCHEDULE
10 24" SQUARE METALLIC TILING
11 VINYL HANDRAIL SYSTEM, PICKETS @ 4" O.C. MAX.
12 FIBRE CEMENT, PANELS ON P.T. FURRING STRIPS, W/ REGLETS
13 BRICK VENEER, COMPLIMENTING PALETTE (TWO BATCHES)



3 A2 BUILDING TYPE II - RIGHT ELEVATION
SCALE: 3/32" = 1'-0" 3/4 SPLIT



4 A2 BUILDING TYPE II - REAR ELEVATION
SCALE: 3/32" = 1'-0" 3/4 SPLIT

PUCCIANO & ENGLISH, INC.
ARCHITECTS, AIA
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ATLANTA, GA 30341
PH 770-457-0923, FAX 770-457-0092
web@pucciano-english.com

JOB No: 15
DRAWN BY: HP
CHECK BY: FP

JOB PROGRESS:
ITEM DATE
1 1A
3 3A

REVISIONS:
DATE NO.
1
2
3

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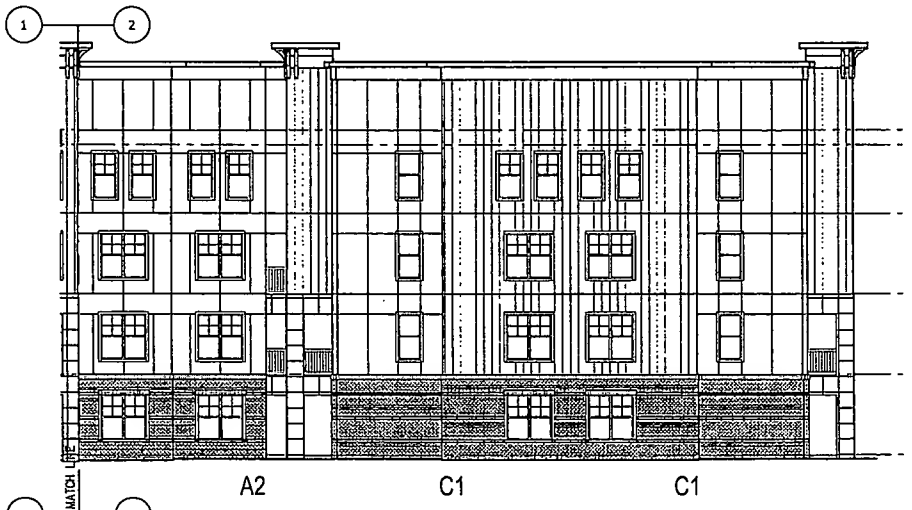
SKYLAND EXCHANGE
AN APARTMENT COMMUNITY
ASHEVILLE, NORTH CAROLINA
FOR
HATHAWAY DEVELOPMENT
ATLANTA, GEORGIA

GARDEN APARTMENT TYPE II
EXTERIOR ELEVATIONS

SHEET NO.
A-2

349

1 / A-8 BUILDING TYPE IV - REAR ELEVATION
SCALE: 1/8" = 1'-0"
4 STORY BLDG. 1



2 / A-8 BUILDING TYPE IV - REAR ELEVATION
SCALE: 1/8" = 1'-0"
4 STORY BLDG. 1

ELEVATION LEGEND	
1	DARK GREY BRICK COURSE
2	MUTED RED/GREY BRICK
3	STANDING SEAM "GALVALUME" ROOF
4	METALLIC 2"x2" CERAMIC TILE
5	POWDER COATED METAL RAIL
6	VINYL OR ALUMINUM WINDOWS
7	HARDI OR NICHIHA PANEL
8	HARDI FRIEZE
9	CHARCOAL GREY BRACKETS
10	METAL COPING ON CORNICE
11	"GALVALUME" METAL SIDING

PUCCIANO & ENGLISH, INC.
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JOB No: 15
DRAWN BY: KP
CHECK BY: FP

JOB PROGRESS:

ITEM	DATE
1	5-5
2	5-5

REVISIONS:

DATE NO.	
A	
B	
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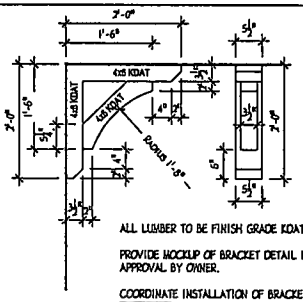
SKYLAND EXCHANGE

AN APARTMENT COMMUNITY
ASHEVILLE, NORTH CAROLINA
FOR
HATHAWAY DEVELOPMENT
ATLANTA, GEORGIA

BUILDING ELEVATION(s)
BUILDING TYPE IV

SHEET NO.

A-8



ALL LUMBER TO BE FINISH GRADE RDAT SYP.

PROVIDE MOCKUP OF BRACKET DETAIL FOR REVIEW AND APPROVAL BY OWNER.

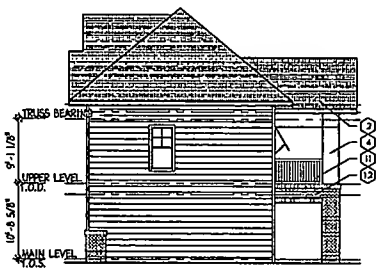
COORDINATE INSTALLATION OF BRACKET WITH OVERHANG.

BRACKET TO RECEIVE 2 COATS OF 100% ACRYLIC PRIMER ON ALL SIDES PRIOR TO INSTALLATION.

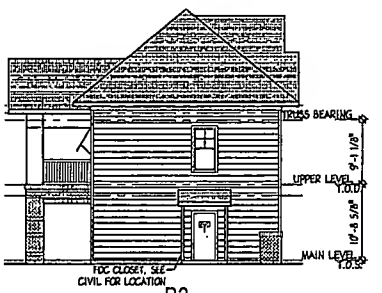
5 / A-44 DECORATIVE BRACKET DETAIL
SCALE: 1" = 1'-0"

ELEVATION LEGEND	
1	DARK GREY BRICK COURSE
2	MUTED RED/GREY BRICK
3	STANDING SEAM "GALVALUME" ROOF
4	METALLIC 2"x2" CERAMIC TILE
5	POWDER COATED METAL RAIL
6	VINYL OR ALUMINUM WINDOWS
7	HARDI OR NICHIHA PANEL
8	HARDI FRIEZE
9	CHARCOAL GREY BRACKETS
10	METAL COPING ON CORNICE
11	"GALVALUME" METAL SIDING
12	

1 / A9 BUILDING TYPE V - FRONT ELEVATION
SCALE: 1/8" = 1'-0"



2 / A9 BLDG TYPE V - RIGHT ELEVATION
SCALE: 1/8" = 1'-0"



3 / A9 BLDG TYPE V - LEFT ELEVATION
SCALE: 1/8" = 1'-0"

4 / A9 BUILDING TYPE V - REAR ELEVATION
SCALE: 1/8" = 1'-0"

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JOB No: 15
DRAWN BY: MP
CHECK BY: FP

JOB PROGRESS:

ITEM	DATE
1	
2	
5	

REVISIONS:

DATE	NO.
	A
	B
	C

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SKYLAND EXCHANGE
AN APARTMENT COMMUNITY
ASHEVILLE, NORTH CAROLINA
FOR
HATHAWAY DEVELOPMENT
ATLANTA, GEORGIA

BUILDING ELEVATION(S)
BUILDING TYPE V

SHEET NO.
A-9

350

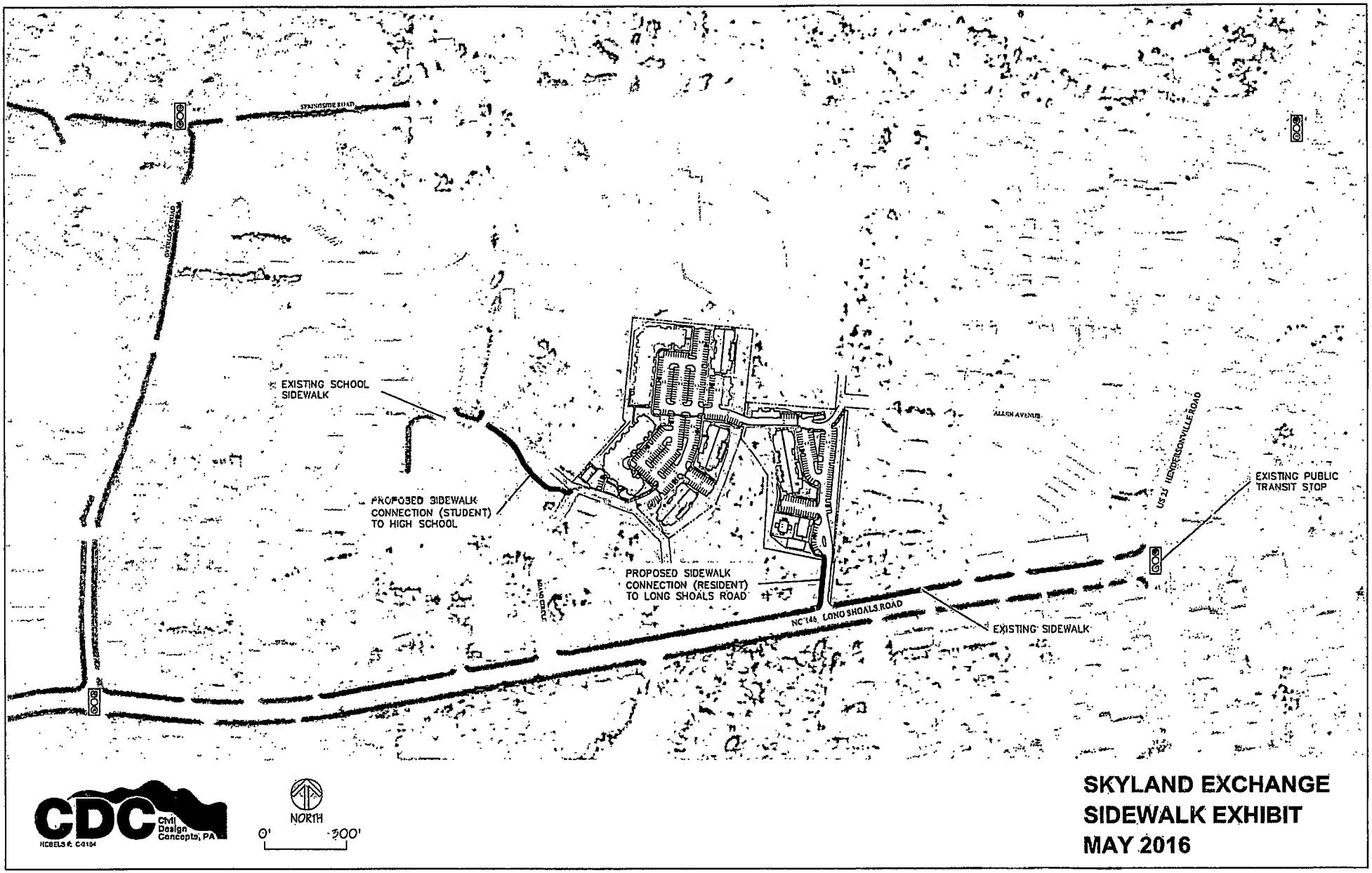


Exhibit D 351

352

ORDINANCE NO. 4508

AN ORDINANCE ADOPTING THE ANNUAL BUDGET AND FIXING THE TAX RATE FOR THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 2016-17

WHEREAS, Article 3 of Chapter 159 of the N. C. General Statutes requires local governments in North Carolina to adopt ordinances establishing an annual budget, in accordance with procedures specified in said Article 3; and

WHEREAS, the Asheville City Council, following a public hearing as required by law has considered the proposed annual budget for the City of Asheville for the 2016-17 fiscal year;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The following anticipated revenues and authorized expenditures by fund, together with a financial plan for internal service funds, are hereby appropriated for operating City government for the fiscal year beginning July 1, 2016 and ending June 30, 2017.

GENERAL FUND

Revenues:		
Taxes-Ad Valorem	$55,522,058	
Other Taxes	21,970,401	
Intergov Revenue	12,733,482	
Licenses and Permits	5,995,550	
Sales and Services	11,269,584	
Investment Earnings	150,000	
Miscell Revenue	1,915,520	
Oth Financing Source	1,278,071	
Total Revenues		$110,834,666
Appropriations:		
Departmental Operations		$110,834,666

WATER RESOURCES FUND

Revenues:		
Sales and Services	$35,845,572	
Investment Earnings	175,000	
Miscell Revenue	46,295	
Total Revenues		$36,066,867
Appropriations:		
Water Resources Operations		$36,066,867

PARKING SERVICES FUND

Revenues:		
Sales and Services	$300	
Miscell Revenue	4,775,044	
Oth Financing Source	458,000	
Total Revenues		$5,233,344
Appropriations:		
Parking Services Operations		$5,233,344

STORMWATER FUND

Revenues:		
Licenses and Permits	$202,000	
Sales and Services	5,174,389	
Investment Earnings	11,000	
Miscell Revenue	12,000	
Oth Financing Source	190,000	
Total Revenues		$5,589,389
Appropriations:		
Stormwater Operations		$5,589,389

TRANSIT SERVICES FUND

Revenues:		
Intergov Revenue	$2,983,000	
Licenses and Permits	360,000	
Sales and Services	840,000	
Oth Financing Source	3,347,711	
Total Revenues		$7,530,711
Appropriations:		
Transit Services Operations		$7,530,711

US CELLULAR CENTER FUND

Revenues:		
Sales and Services	$2,093,800	
Investment Earnings	1,700	
Miscell Revenue	122,000	
Oth Financing Source	1,066,834	
Total Revenues		$3,284,334
Appropriations:		
Civic Center Operations		$3,284,334

STREET CUT UTILITY FUND

Revenues:		
Sales and Services	$1,748,781	
Oth Financing Source	240,000	
Total Revenues		$1,988,781
Appropriations:		
Street Cut Operations		$1,988,781

HOUSING PARTNERSHIP FUND (GENERAL FUND)

Revenues:		
Miscell Revenue	$150,000	
Oth Financing Source	500,000	
Total Revenues		$650,000
Appropriations:		
Housing Partnership Fund Ops.		$650,000

SUSTAINABILITY FUND (GENERAL FUND)

Revenues:		
Oth Financing Source	$301,354	
Total Revenues		$301,354
Appropriations:		
Sustainability Fund Ops.		$301,354

INTERNAL SERVICE FUNDS

Revenues:		
Sales and Services	$17,949,439	
Investment Earnings	11,000	
Miscell Revenue	470,000	
Total Revenues		$18,430,439
Appropriations:		
Health Insurance	$14,764,247	
Workers Compensation	1,488,745	
Property & Liability	2,177,447	
Total Expenditures		$18,430,439

CAPITAL RESERVE 2100 FUND (GENERAL FUND)

Revenues:		
Oth Financing Source	$8,736,521	
Total Revenues		$8,736,521
Appropriations:		
Capital Reserve Fund Ops.		$8,736,521

Section 2. All appropriations included in the following Capital Project and other multi-year project funds are approved for the financing life of each project, which may extend beyond one fiscal year.

GENERAL CAPITAL PROJECTS FUND

Revenues:		
Transfer from General Fund	$1,150,000	
Intergov Revenue	16,187,066	
Other Revenue	190,000	
Oth Financing Source	29,222,650	
Total Revenues		$46,749,716
Appropriations:		
General Capital Fund Expenditures		$46,749,716

WATER CAPITAL PROJECTS FUND

Revenues:		
Transfer from Water Resources Fund	$9,366,520	
Oth Financing Source	12,000,000	
Total Revenues		$21,366,520
Appropriations:		
Water Capital Fund Expenditures		$21,366,520

STORMWATER CAPITAL PROJECTS FUND

Revenues:		
FY17 Transfer from Stormwater Fund	$610,200	
Prior Year Transfer from Stormwater Fund	750,000	
Oth Financing Source	190,000	
Total Revenues		$1,550,200
Appropriations:		
Stormwater Capital Fund Expenditures		$1,550,200

PARKING CAPITAL PROJECTS FUND

Revenues:		
Transfer from Parking Operating Fund		$575,000
Appropriations:		
Parking Capital Fund Expenditures		$575,000

TRANSIT CAPITAL PROJECTS FUND

Revenues:		
Transfer from General Fund	$120,000	
Total Revenues		$120,000
Appropriations:		
Transit Capital Fund Expenditures		$120,000

US CELLULAR CENTER CAPITAL PROJECTS FUND

Revenues:		
Transfer from General Fund	$125,650	
Miscellaneous	150,000	
Total Revenues		$275,650
Appropriations:		
US Cellular Center Capital Fund Expenditures		$275,650

COMMUNITY DEVELOPMENT BLOCK GRANT FUND

Revenues:		
Federal Grant FY 2016-17	$932,001	
Program Income FY 2016-17	69,750	
Program Income FY 2015-16	12,399	
Total Revenues		$1,014,150
Appropriations:		
Fiscal 2016-17 CDBG Program	1,001,751	
Fiscal 2015-16 CDBG Program	12,399	
Total Appropriations		$1,014,150

HOME OWNERSHIP GRANT FUND

Revenues:		
Federal Grant FY 2016-17	$961,627	
Program Income FY 2016-17	19,526	
Program Income FY 2015-16	800	
Total Revenues		$981,953
Appropriations:		
Fiscal 2016-17 HOME Program	$981,153	
Fiscal 2015-16 HOME Program	800	
Total Appropriations		$981,953

SECTION 108 REHAB GRANT FUND

Revenues:		
Program Income		$67,230
Appropriations:		
Section 108 Expenditures		$67,230

SPECIAL REVENUE GRANT FUND

Revenues:			
Federal Grant	$104,000		
State Grant	149,337		
Total Revenues		$253,337	$988,257
Appropriations:			
Continuum of Care Grant (HMIS)	$104,000		
Emergency Solution Grant (ESG)	149,337		
Total Appropriations		$253,337	

Section 3. It is estimated that revenues in the amounts indicated in the foregoing schedule will be available to support the foregoing appropriations. The fees & charges, as readopted and changed on March 22, 2016 in ordinance number 4489, shall be set forth in a Fees and Charges Manual to be kept on file in the Office of the City Clerk.

Section 4. There is hereby levied for the fiscal year ending June 30, 2017, the following tax on each $100 assessed valuation of taxable property as listed on January 1, 2016 for purposes of raising the revenues from current year's property tax as set forth in the foregoing estimates of revenues and in order to finance the foregoing appropriations:

Tax Rate per $100 Assessed Valuation $0.4750

Such rate of tax is based on an estimated total assessed value of property for the purposes of taxation of $10,996,090,294 assuming 99.60% collection of the levy. In addition, Ad Valorem Tax revenue from taxes levied on motor vehicles at the same tax rate is estimated at $2,851,584.

Section 5. The City Manager is authorized to amend the budget by transfer of appropriations within each fund. All amendments affecting revenues or total fund appropriations shall be approved by ordinance by the City Council, to be acted on at any regular or special meeting and approved by a simple majority of those present and voting, a quorum being present. Only one reading will be required and a public hearing or publication of notice is not necessary unless requested by Council.

Section 6. The reserve for encumbrances at June 30, 2016 and carry-over appropriations, representing prior commitments as of that date shall be reappropriated pursuant to North Carolina General Statute 159-13, to the departments within various funds, under which expenditures may be made during fiscal year 2016-17 as the previous commitments are satisfied.

Section 7. Copies of this ordinance shall be furnished to the City Manager and Director of Finance, to be kept on file by them for their direction in the collection of revenues and expenditures of amounts appropriated.

Section 8. The Pay & Classification Plan is amended to incorporate all personnel actions such as reclassifications and pay modifications recommended by the Human Resources department and approved by the City Manager. Funding for the Plan and compensation items is included in the various departments. The amended plan will become effective with the pay cycle that ends on July 15, 2016.

Section 9. Compensation for the Mayor, Vice-Mayor and Councilmembers will be $20,538.96 - $21,262.96, $17,045.60 - $17,646.46, and $15,089.88 - $15,621.80, respectively. Travel for official activities will be reimbursed under the same plan used for City employees.

Section 10. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

Section 11. That this ordinance shall be in full force and effect upon date of final passage.

Read, approved and adopted this 14th day of June, 2016.

Magdalen Bowlesson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

ORDINANCE NO. 4509

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this June 28, 2016.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Budget amendment to receive funds from Duke Energy Progress for sustainability programming.

Magdalen Burleson
City Clerk

360

City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2015-16

3. Amendment to Operating _x___ and/or Capital Project ____ appropriation.

Sustainability	6/28/2016	
4. Requesting Department	5. Today's Date	6. Department Head Signature

7. Comments/Purpose: to budget energy efficient rebate

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Energy Efficient Rebate				
11000016 488014	$0.00	$6,708.90	$6,708.90	$6,708.90
Expenditures:				
Contingencies				
11000016 528013	$386,163.00	$386,163.00	$392,871.90	$6,708.90
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget & Research:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4510

AN ORDINANCE AMENDING ARTICLE II, DIVISION 1, SECTIONS 24 AND 25 OF APPENDIX C OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

Section 1: That Article II, Division I, Section 24 (b) of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Twenty Five miles per hour, City system) be amended to remove:

Charlotte Street between Edwin Place and Evelyn Place

Charlotte Street between Evelyn Place and Woodlink Road

Section 2: That Article II, Division I, Section 25 (b) of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Thirty miles per hour, City system) be amended to remove:

Charlotte Street between Orchard Street and Edwin Place

Reed Street, Between Sweeten Creek Road-U. S. 25-A and the I-40 right-of-way

Sulphur Springs Road, between Haywood Road and Bear Creek Road

Westridge Drive in its entirety

Section 3: That Article II, Division I, Section 24 (b) of Appendix C of the Code of Ordinances of the City of Asheville (Speed Limits – Twenty Five miles per hour, City system) be amended to include:

Beaver Valley Road from Beaverdam Road to End of City Maintenance

Charlotte Street from Orchard Street to Woodlink Road

Davenport Road from Brevard Road to End of City Maintenance

Gudger Road from Sand Hill Road to Sand Hill School Road

Holly Ridge Drive from Westridge Drive to Bevlyn Drive

Homeway Road from Appalachain Way to Lakeside Drive

Inglewood Road from Elk Mountain Scenic Highway to Windsor Road

Iris Street from Shady Oak Lane to London Road

Reed Street from US 25A Sweeten Creek Road to Fielding Street

School Road East from Onteora BLVD to End of City Maintenance
Sulphur Springs Road from US 19/23 Bus Haywood Road to Mimosa Road

Westridge Drive from Overlook Road to Springside Road

Section 4: That all Ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed.

Section 5: That this Ordinance shall be in full force and effect upon adoption by the City of Asheville and the erection of signs giving notice of the authorized speed limit.

Read, approved and adopted this 28th day of June, 2016.

Magdalen Boulware
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Boulware
City Clerk

ORDINANCE NO. 4511

ORDINANCE AMENDING ZONING FOR PROPERTY(S) LOCATED AT 99999 LOOKOUT DRIVE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City, and is determined to be reasonable and in the public interest for the following reasons:

a. The zoning change will encourage the adaptive reuse of vacant property; and
b. Promote compatible infill development within the urban fabric of the city by establishing a conforming residential lot

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

> The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9740-20-7455, and, recorded in Deed Book 5418, Page 1558-1559; and currently owned by Eric Workman from Residential Single Family Medium Density (RS4) district to Residential Single Family High Density (RS8) district. A copy of the official zoning map showing said lot is attached hereto as Exhibit "A" and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or

phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 6. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 28th day of June, 2016.

Magdalen Burleson
City Clerk

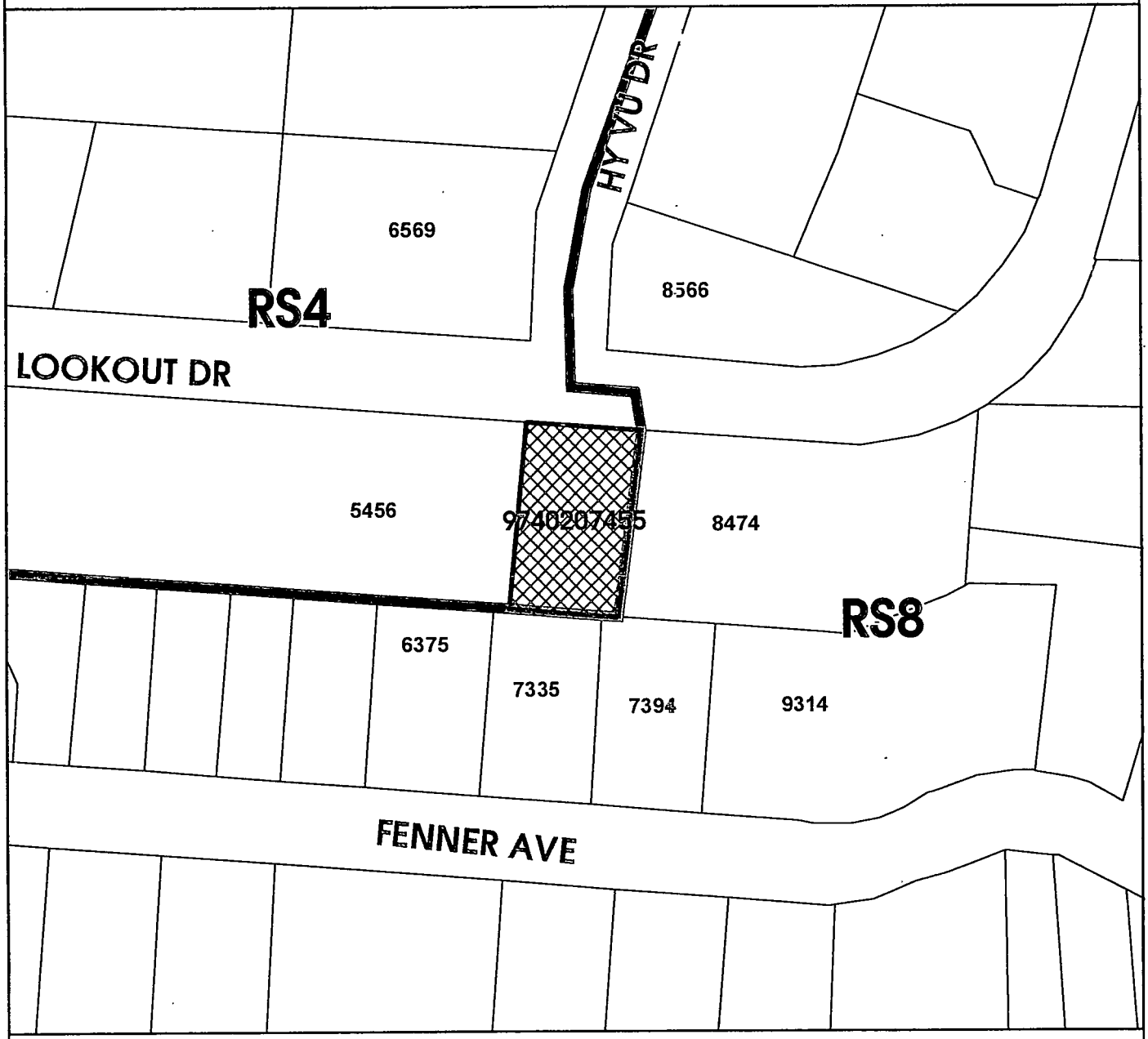
Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

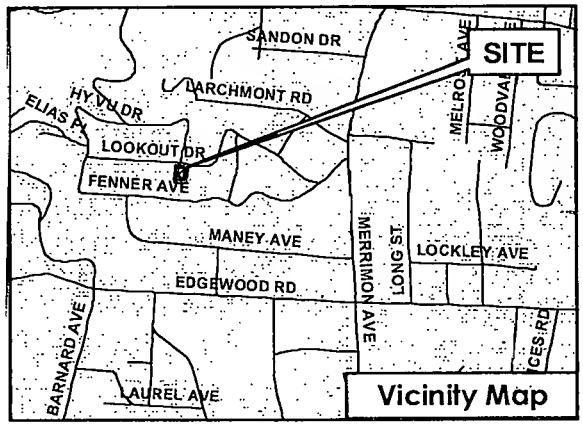
Magdalen Burleson
City Clerk

City of Asheville - Exhibit A Map
Lookout Drive Rezoning



Project Name:	Lookout Drive Rezoning
Project Number:	16-05432 PZ
Project Description:	Rezoning of one parcel from RS4 to RS8
Petitioner(s):	Eric Workman
Parcel ID Number(s):	9740-20-7455
Location/Address:	99999 Lookout Drive

Project Site
Parcels
Zoning Districts
Asheville City Limits



City of Asheville Department of Planning and Urban Design - October 8, 2015

366

ORDINANCE NO. 4512

ORDINANCE AMENDING A PREVIOUSLY APPROVED CONDITIONAL ZONING (no. 4449) FOR PROPERTY LOCATED AT 311 AND 315 OLD HAW CREEK ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a) The development is existing and was deemed appropriate through the 2015 conditional zoning process;
b) By removing student housing and associated tiny homes from the project plan, the proposed plan will be less impactful on the land and on the neighborhood than the earlier proposal;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A.1 and identified on Buncombe County tax maps as PIN 9659-80-1408, and, recorded in Deed Book 1034, Page 39; and currently owned by Bethesda United Methodist Church from Institutional District – Conditional Zone (INST-CZ) to Institutional District – Conditional Zone (INST-CZ), Residential Single Family Medium Density (RS4), and Residential Single Family Medium Density– Conditional Zone (RS4-CZ). Said rezoning is subject to the conditions set out in Exhibit B.1, and

substantially complies with the site plans shown on Exhibit C, both attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 28th day of June, 2016.

Magdalen Burleson
City Clerk

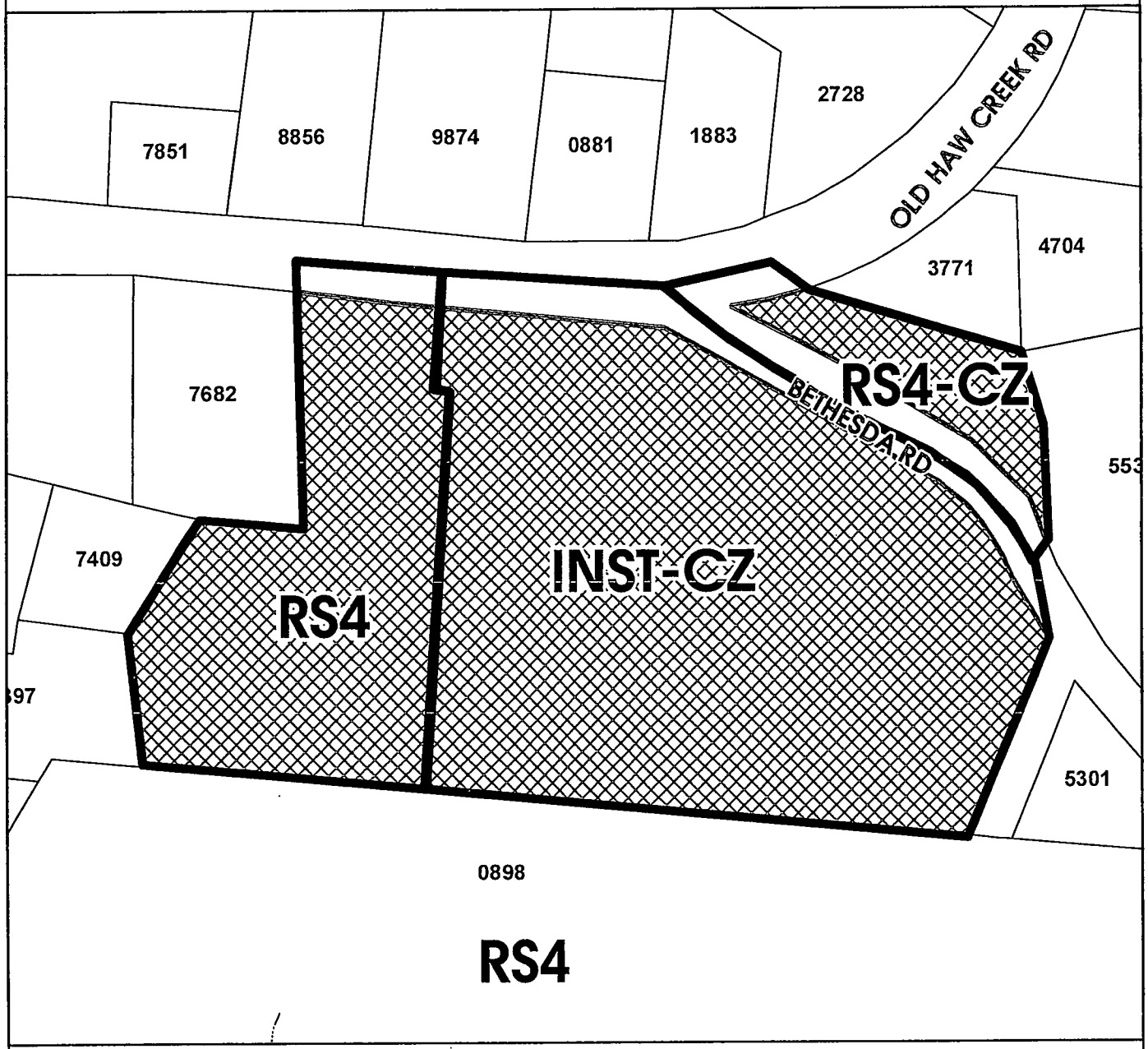
Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

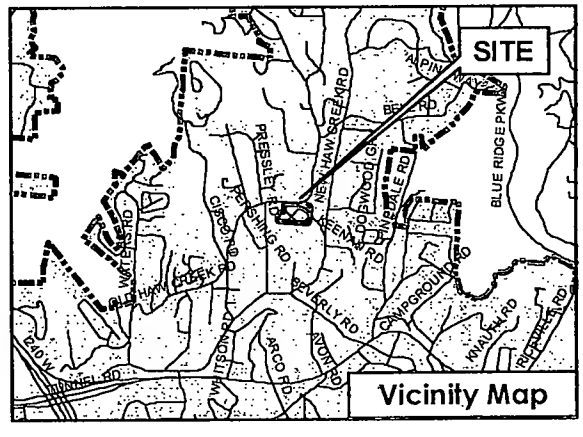
Magdalen Burleson
City Clerk

City of Asheville - Exhibit A.1 Map
Haw Creek Commons - Proposed



Project Name:	Bethesda UMC
Project Number:	15-03994PZ
Project Description:	CZ Amendment to remove student housing from plan
Petitioner(s):	Helps Ministries
Parcel ID Number(s):	9659-80-1408
Location/Address:	311/315 Old Haw Creed Road

Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams



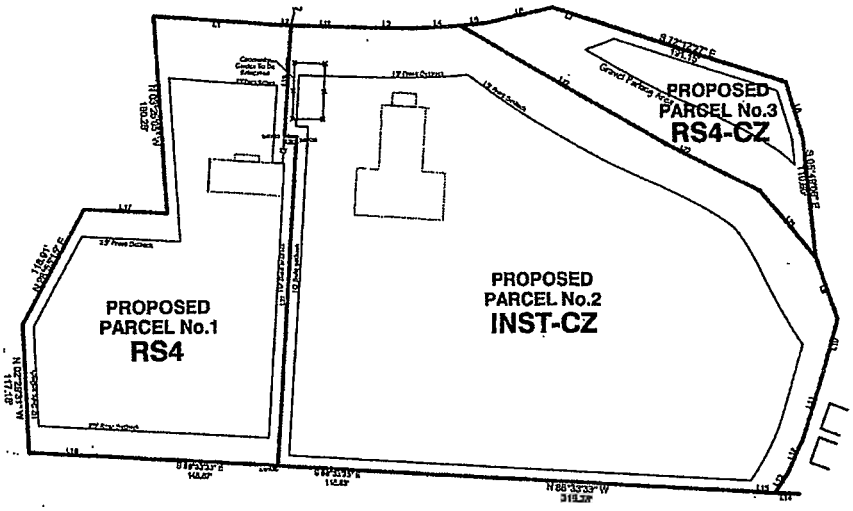
City of Asheville Department of Planning and Urban Design

Haw Creek Commons – CZ Amendment

Exhibit B1 Conditions

1. The zoning designation for the parcel at 311/315 Old Haw Creek Road (PIN 9659-80-1408) will be RS4, INST-CZ, and RS4-CZ, as shown below.

2. The setbacks for the RS4-CZ portion of the project are as follows: front will be Bethesda Road (15 feet), corner will be Old Haw Creek Road (12.5 feet), rear (15 feet), side (10 feet). A single-family home and permitted accessory structures are permitted.



3. The INST-CZ portion of the site will operate as a Place of Worship, community center and an institutional facility providing seminary training. Typical activities associated with these uses are permitted at this site which may include but are not limited, except where provided below: recreation activities, religious services, and instruction, activities incidental to places of worship, and community centers, community meetings and skill building activities, and shared co-working office and kitchen spaces. Prohibited activities are the construction of additional housing units, retail sales not associated with incidental use of places of worship or community center activities.

4. Renovations to the fellowship hall will create a shared office space (approximately 800 SF) and dining hall (approximately 800 SF), as well as upgrades to the kitchen so that it is may function as a commercial kitchen/shared-use space. The sanctuary will not be divided. The shared-use co-working kitchen and co-working office spaces will be open to the public (including food trucks) at a charge.

4a. There will be no more than twenty four (24) co-workers on site at any one time. Maximum limits are broken down as twenty (20) co-workers limited to the office space and four (4) co-workers limited to the kitchen at any one time. Applicant shall have an on-site manager to coordinate the use of this shared kitchen/office space.

4b. There shall be no retail sales from the co-working kitchen/maker space nor from the co-working office spaces. No restaurant sales are allowed.

4c. Hours of operations for the co-working kitchen/maker space and for the co-working office spaces are unlimited. One year after the certificate of occupancy has been issued for work related to the INST-CZ parcel, planning staff will review the hours of operation and, if recommended, the applicant agrees to amend the Conditional Zoning accordingly.

5. Open space is designated as shown on plans and totals approximately 2 acres.

6. Parking will be provided for 36 spaces on site, including two that are accessible per ADA regulations.

7. Street trees will be provided as shown on the site plan.

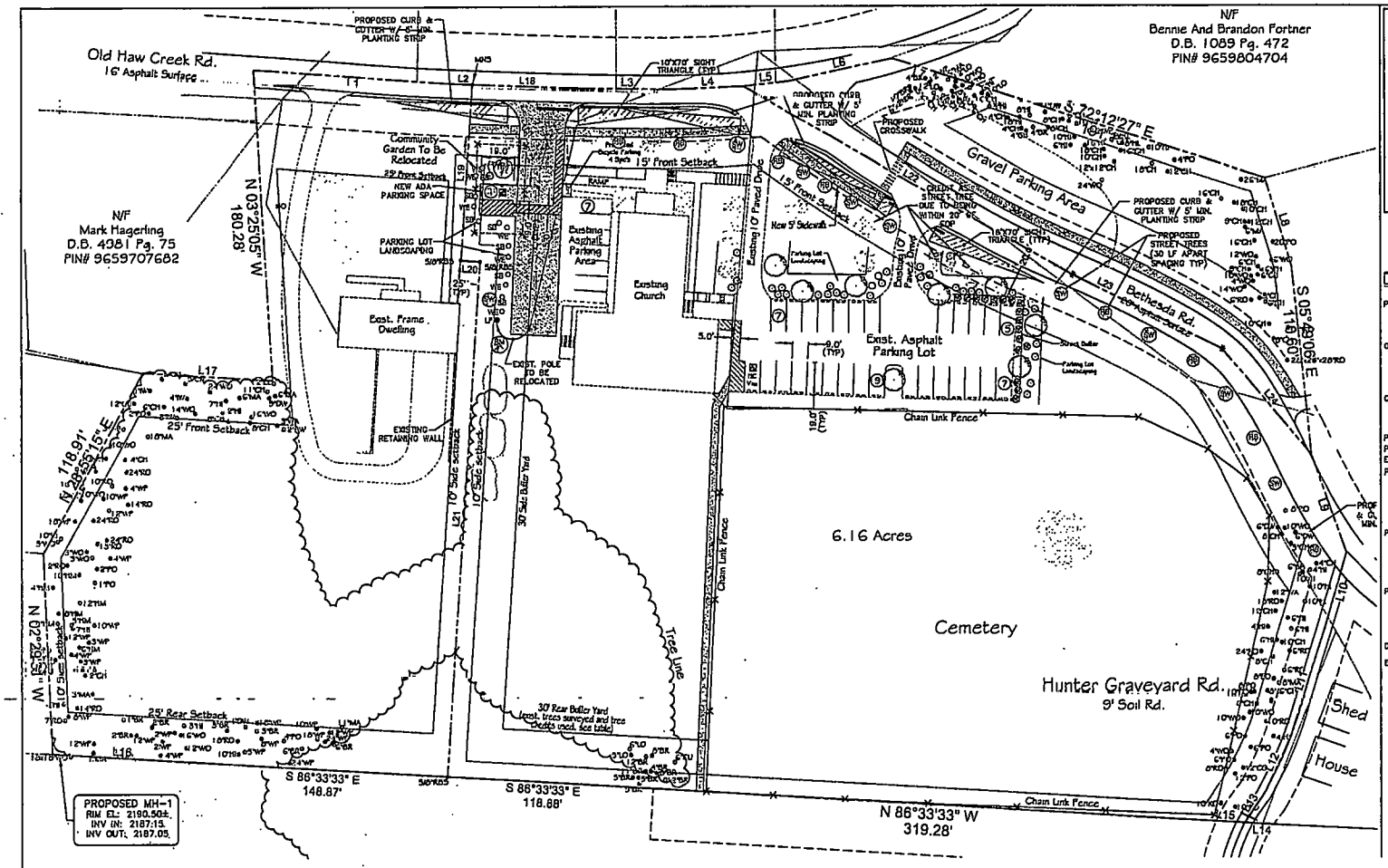
8. Sidewalks will be provided along the public right of way in front of the INST-CZ parcel along Old Haw Creek Road and along the RS4- CZ parcel along the frontage of Bethesda Road as shown on the site plan. A sidewalk will also be provided through the INST-CZ portion of the project along the western edge of the cemetery.

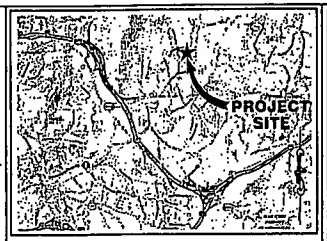
9. The INST-CZ property will maintain a 30-foot-wide property line buffer along the perimeter of the property except along the cemetery at the southern and eastern edge of the property and along the parking area, where the property line buffer is modified to maintain a minimum of at least nine feet as demonstrated on the site plan. Property line buffer plantings are waived along portions that have existing vegetation that will be retained so that the overall result does not lead to a thinner, more transparent buffer. Within these sections only, shrubs and evergreen plants are not required.

10. The project will comply with requirements of the Technical Review Committee.

11. Any legally required local, state, and federal permits and approvals must be obtained prior to initiation of construction and any pertinent legal requirements shall be met.

12. Site development must substantially comply with the site plan (attached hereto as Exhibit C) and incorporated by reference. Any major deviations from these plans may result in reconsideration of the project by the reviewing boards.





VICINITY MAP
Not To Scale

DEVELOPMENT DATA

Project Name:	Haw Creek Commons At Bethesda United Methodist Church 311 & 315 Old Haw Creek Road Asheville, NC 28805
Owner:	United Methodist Church, Western North Carolina P.O.Box 18003, Charlotte, NC 28218 tele: (704) 525-3395
Contact Person:	Sam Rice 1713 Beechwood Road Yadkinville, NC 27055. tele: (828) 545-0701
PIN Number:	9659-60-1408
Property size:	6.16 Acres
Existing Zoning District:	INST-CZ – Institutional Conditional Zoning

PARCEL No. 1
PROPOSED ZONING DISTRICT RS4
REQUIRED SETBACKS:
FRONT: 25'
SIDE: 10'
REAR: 25'

PARCEL No. 2
PROPOSED ZONING DISTRICT INST-CZ
REQUIRED SETBACKS:
FRONT: 15'
SIDE: 10'
REAR: 10'

PARCEL No. 3
PROPOSED ZONING DISTRICT RS4-CZ
REQUIRED SETBACKS:
FRONT: 15'
SIDE: 10'
REAR: 10'

DEED BOOK:	1034 Pg. 39
ENGINEER:	MERCER DESIGN GROUP, PC P.O. BOX 1518 205 STONE RIDGE BLVD. ASHEVILLE, NC 28804 828-645-7088

GRAPHIC SCALE
(IN FEET)
1 inch = 30 ft.

NO.	REVISIONS/SUBMISSIONS	DATE

Designed: MDG
Graphics: MDG
Checked: JMM
Reviewed: JMM
Scale: 1"=30'
Date: MAY 2018

MDG ENGINEERING EXCELLENCE

BETHESDA United Methodist Church
BUNCOMBE COUNTY ASHEVILLE, NORTH CAROLINA
DRAWING TITLE: LANDSCAPING PLAN

Sheet No.: OF
Sheet: **L1**
Project No: 15-080

May 15, 2018 - 3:30pm

EXISTING BUFFER YARD TREE CREDITS

BUFFER	DESIG.	QTY.	CREDIT/ UNIT	CREDIT QTY TOTAL	PLANTS REQUIRED
BIRCH	1"-5"	0	0	0	0
	5"-7"	0	1	0	0
	7"-9"	0	1	0	0
	9"-11"	0	1	0	0
	11"-13"	0	2	0	0
	13"-15"	0	2	0	0
	15"-17"	0	2	0	0
	17"-19"	1	2	2	1
	19"-21"	0	2	0	0
DOGWOOD	8"-10"	1	1	1	0
LOCUST	8"-10"	11	1	11	0
	10"-12"	0	1	0	0
	12"-14"	0	2	0	0

BEFORE YOU DIG CALL 1-800-632-4949
IT'S THE LAW!

LANDSCAPING CALCULATIONS: TYPE 'B' BUFFER REQUIRED: (4) EVERGREEN TREE, (2) LARGE DECIDUOUS TREE, (2) SMALL DECIDUOUS TREE, (2) LARGE DECIDUOUS TREE, (2) LARGE SHRUBS & (2) SMALL SHRUBS PER 100 L.F. OF ADJOINING BOUNDARY
823 L.F. BOUNDARY – (12) EVERGREEN TREE, (12) LARGE DECIDUOUS TREE, (12) SMALL DECIDUOUS TREE, (12) LARGE SHRUBS & (12) SMALL SHRUBS
EXISTING TREE CREDITS = (9) EVERGREEN TREE, (17) LARGE DECIDUOUS TREE, (9) SMALL DECIDUOUS TREE, NUMEROUS EXIST. SHRUBS NOT SURVEYED

TYPE 'B' BUFFER PLANTINGS (REAR BUFFER AREA) - NO PLANTINGS REQUIRED -

KEY	TYPE	VARIETY (common name)	VARIETY (scientific name)	QTY.	SIZE
RM	LARGE DECIDUOUS	RED MAPLE	ACER RUBRUM	11	2.5" MIN CALIPER, 12' MIN HT.
SW	SMALL DECIDUOUS	SOURWOOD	OXYDENDRUM ARBOREUM	10	1.5" MIN CALIPER, 8' MIN HT.
SS	SMALL DECIDUOUS	SERVICEBERRY	AMELANCHIER ARBOREA	9	1.5" MIN CALIPER, 8' MIN HT.
RD	SMALL DECIDUOUS	REDBUD	CERCIS CANADENSIS	9	1.5" MIN CALIPER, 8' MIN HT.
DW	TREE, EVERGREEN	DEVILWOOD	OSMANTHUS AMERICANUS	11	1.5" MIN CALIPER, 8' MIN HT.
FC	TREE, EVERGREEN	FALSECYPRESS	CHAMAECYPARIS PISIFERA	11	1.5" MIN CALIPER, 8' MIN HT.
OA	TREE, EVERGREEN	ORIENTAL ARBORVITAE	THUJA ORIENTALIS	11	1.5" MIN CALIPER, 8' MIN HT.
EO	LARGE SHRUB, EVERGREEN	SWEET BAY	MAGNOLIA VIRGINIANA	0	18" MIN HT.
WE	LARGE SHRUB, DECIDUOUS	WINGED EUONYMOUS	EUONYMUS ALATUS	0	18" MIN HT.
GF	SMALL SHRUB, DECIDUOUS	DWARF FOTHERGILLA	FOTHERGILLA GARDENII	0	18" MIN HT.
WE	SMALL SHRUB, EVERGREEN	OTTO LUYKEN	PRUNUS LAUROCERASUS	0	18" MIN HT.

CONTRACTOR SHALL VERIFY QUANTITIES WITH PLAN.

LANDSCAPING CALCULATIONS, STREET TREES REQUIRED: (WITH OVERHEAD UTILITIES PRESENT) (1) SMALL MATURING TREE FOR EVERY 30 L.F. OF STREET FRONTAGE

823 L.F. FRONTAGE = (28) TREES (SMALL MATURING)

STREET TREE PLANTINGS

KEY	TYPE	VARIETY (common name)	VARIETY (scientific name)	QTY.	SIZE
SW	SMALL DECIDUOUS	SOURWOOD	OXYDENDRUM ARBOREUM	13	1.5" MIN CALIPER, 8' MIN HT.
RD	SMALL DECIDUOUS	REDBUD	CERCIS CANADENSIS	13	1.5" MIN CALIPER, 8' MIN HT.

CONTRACTOR SHALL VERIFY QUANTITIES WITH PLAN.

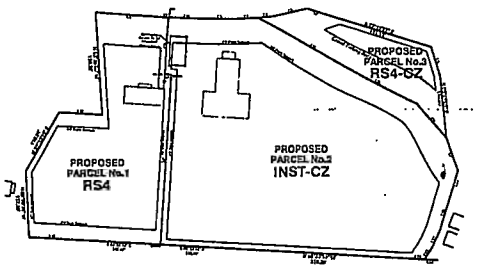
LANDSCAPING CALCULATIONS, VEHICULAR USE AREA (VUA) REQUIRED: (1) DECIDUOUS TREE AND (8) EVERGREEN OR DECIDUOUS SHRUB PER 1,000 S.F. OF VUA (MIX OF TREES TO BE LARGE MATURING)

VUA = 6,987 S.F. REQUIRED PLANTING = (7) TREES (3 LARGE MATURING) AND (56) EVERGREEN AND DECIDUOUS SHRUBS
PROVIDED PLANTING = (7) TREES (3 LARGE MATURING) AND (56) EVERGREEN AND DECIDUOUS SHRUBS

PAVED VEHICULAR USE AREA PLANTINGS

KEY	TYPE	VARIETY (common name)	VARIETY (scientific name)	QTY.	SIZE
RM	LARGE DECIDUOUS	RED MAPLE	ACER RUBRUM	3	2.5" MIN CALIPER, 12' MIN HT.
SW	SMALL DECIDUOUS	SOURWOOD	OXYDENDRUM ARBOREUM	1	1.5" MIN CALIPER, 8' MIN HT.
EO	SHRUB, EVERGREEN	SWEET BAY	MAGNOLIA VIRGINIANA	7	18" MIN HT.
WE	SHRUB, DECIDUOUS	WINGED EUONYMOUS	EUONYMUS ALATUS	7	18" MIN HT.

CONTRACTOR SHALL VERIFY QUANTITIES WITH PLAN.



ZONING EXHIBIT
SCALE:1"=100'

Exhibit C
371

372

ORDINANCE NO. 4513

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 60 MILLS GAP ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City and is determined to be reasonable and in the public interest for the following reasons:

(1) The project will provide necessary rental housing through the adaptive reuse of property for residential infill development, and
(2) The developer will mitigate traffic congestion through infrastructure enhancements that will be completed before the issuance of the certificate of occupancy

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9655.35-7074 and recorded in Deed Book 5172, Page 0835 and currently owned by Mills Gap, LLC, from Industrial (IND) to Highway Business Conditional Zone (HB CZ). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1" and substantially complies with the site plans shown on Exhibit "C", both attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 28th day of June, 2016.

Magdalen Bullion
City Clerk

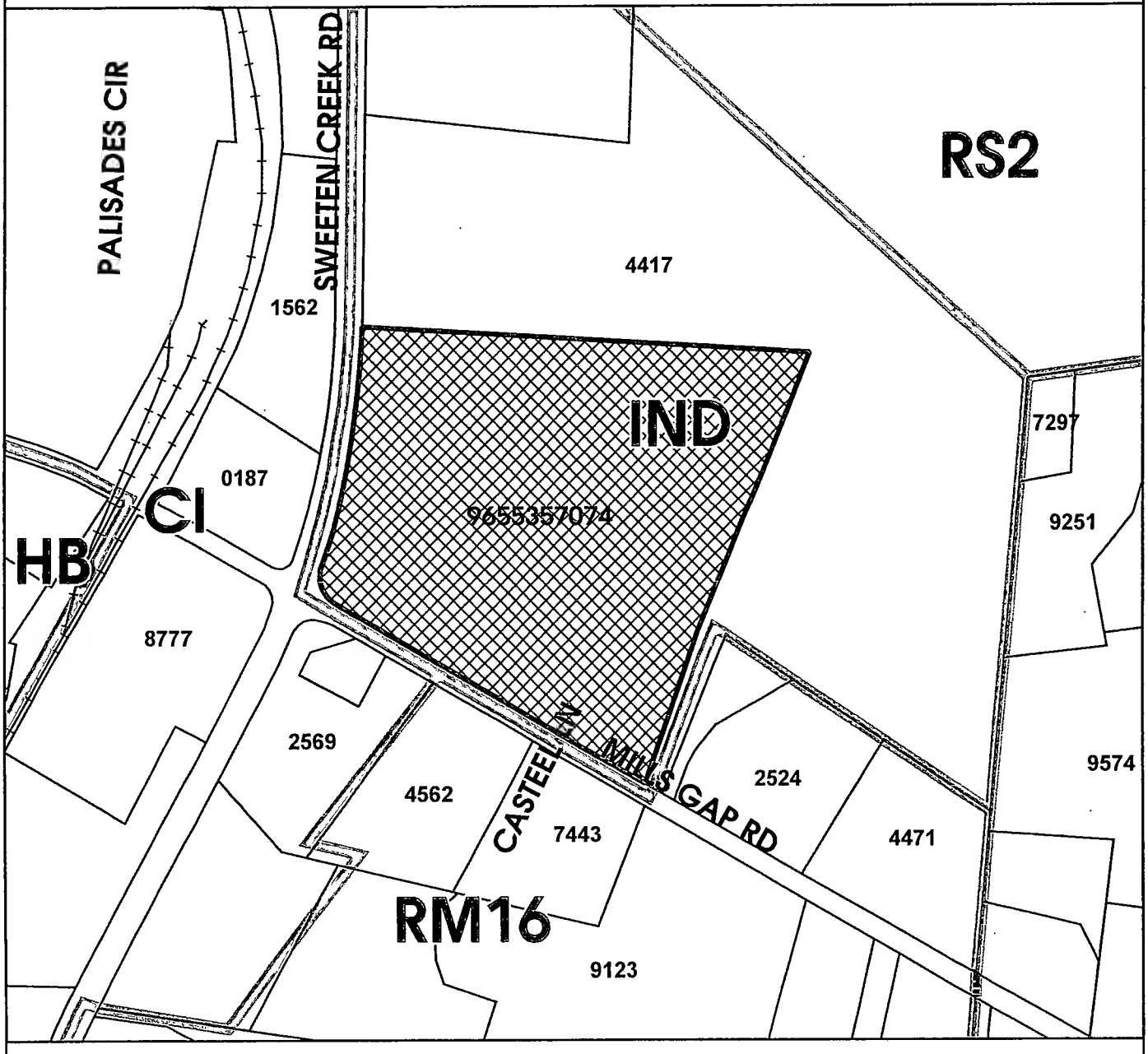
Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

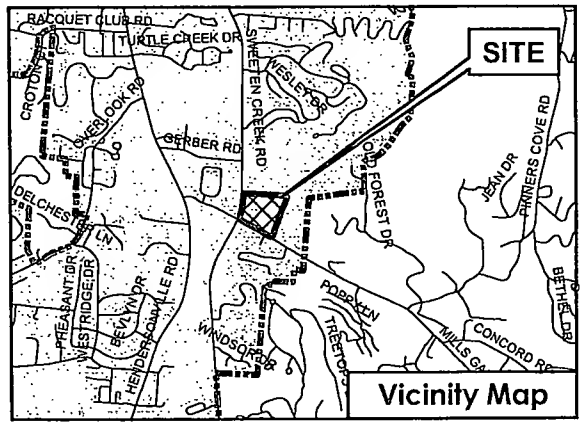
Magdalen Bullion
City Clerk

City of Asheville - Exhibit A Map
Hawthorne at Mills Gap



Project Name:	Hawthorne at Mills Gap
Project Number:	15-09029PZ
Project Description:	Construction of 272 apartments on 15.3 acres
Petitioner(s):	Pulliam Properties
Parcel ID Number(s):	9655-35-7074
Location/Address:	60 Mills Gap Rd

Project Site
Parcels
Zoning Districts
Asheville City Limits



City of Asheville Department of Planning and Urban Design - October 8, 2015

60 Mills Gap Road – Multifamily Development

Exhibit B.1 – Conditions List

1. The zoning for the site is Highway Business – Conditional Zone (HB-CZ).

2. There shall be 272 units contained within two buildings plus a clubhouse.

3. Required landscaping includes street trees, parking lot landscaping, building impact, dumpster screening, and tree save as shown on the site plans.

4. The project will provide open space totaling at least 2.3 acres, as shown on the site plans.

5. The applicant will preserve the large oak trees that are located at the southwestern-most corner of the parcel (as shown on the site plan) providing protection of them in accordance with UDO Sec. 7-11-3 (c). Impacts to the trees that result from sidewalk installation or street work relating to NC Department of Transportation projects will not be interpreted as a breach of this condition.

6. The project shall contain at least 15% affordable units at rent standards not to exceed 80% Area Median Income (AMI) as published in the 2016 Affordable Housing Standards and such units shall be leased to Households with incomes at or below 80% of AMI. This commitment will stand for a time period not less than 15 years from the date of issuance of the project's certificate of occupancy (CO). Rents may be allowed to increase annually no more than 3% per year over the 15-year period but shall, in no case exceed the City's published maximum affordable rents in any given year of the period of affordability. The applicant will enter into an affordable housing deed restriction with the City reflecting this commitment and have it recorded prior to issuance of project certificate of occupancy.

7. The following traffic enhancements require approval by the NC Dept of Transportation. The improvements shall be completed prior to the issuance of building permits:

   As shown on the Site Plan, for the intersection of US (25A (Sweeten Creek Road) and SR 3116 (Mills Gap Road), the developer shall:

   a. Construct an auxiliary right turn lane with at least 200 feet of storage along eastbound Mills Gap Road (Duke Energy to provide R/W as necessary)
   b. Optimize the traffic signal operation and timing by including a right-turn overlap for eastbound Mills Gap Road
   c. Widen Mills Gap Road between Sweeten Creek Road and Casteel Lane to facilitate extending the westbound left turn lane on Mills Gap Road to provide about 350 feet of full storage

d. Add pedestrian facilities including signal heads, push buttons, ADA-compliant ramps, and crosswalks, etc. to the existing traffic signal installation
e. Extend sidewalk along Mills Gap Road across the railroad tracks to connect to the recently installed Palisades sidewalk on Mills Gap Road. Sidewalk/pedestrian crossing subject to design standards of the Railroad operator.

As shown on the Site Plan, for the intersection of SR 3116 (Mills Gap Road) and the Main Entrance to the development, the developer shall:

a. Align the main entrance directly across from Casteel Lane
b. Provide two (2) egress lanes and one (1) ingress lane
c. Extend widening of Mills Gap Road to and beyond this intersection and provide an auxiliary left turn lane with 100 feet full storage along eastbound Mills Gap Road

As shown on the Site Plan, for the intersection of US 25A (Sweeten Creek Road) and the Secondary Entrance to the development, the developer shall:

a. Align the driveway as far away as practical from the intersection of US 25A (Sweeten Creek Road) and Mills Gap Road
b. Construct the driveway as a right-in, right-out only driveway (this can be re-investigated for full movements access once U-2801A is constructed)

As shown on the Site Plan, for the intersections of US25 (Hendersonville Road) and Mills Gap Road, US 25 (Hendersonville Road) and Gerber Road, and US 25A (Sweeten Creek Road) at Gerber Road, the developer hall make intersection timing adjustments to achieve optimal operation of the traffic signals at these intersections.

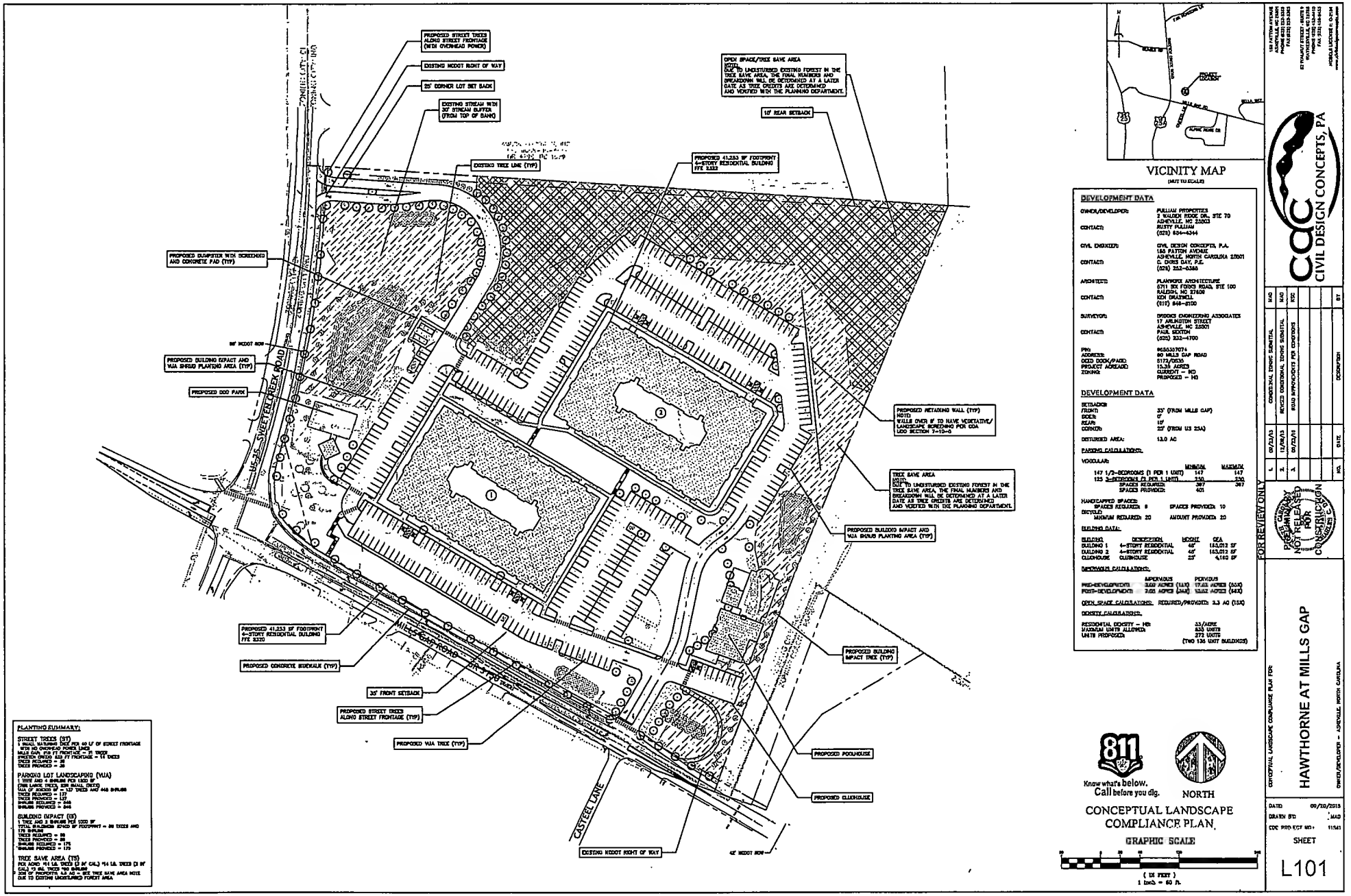
8. The project shall be given a different name that is acceptable to the City's Emergency Addressing Coordinator; the duplication of project names has the potential for misdirection or miscommunication, which can hinder the response of emergency services.

9. The building design, construction materials, and orientation on site must substantially comply with the site plan (attached hereto) and incorporated by reference. Any major deviations from these plans will result in reconsideration of the project by the reviewing boards.

10. The developer/owner will not begin work on the demolition of existing structures, infrastructure, or site work (including grading, utilities and stormwater) and proposed NCDOT road improvements until January 2017.

11. The City shall not be required to issue a building permit for any of this project until January 2018.

Exhibit C 377


PROPOSED STREET TREES ALONG STREET FRONTAGE (WITH OVERHEAD POWER)
EXISTING NCDOT RIGHT OF WAY
25' CORNER LOT SET BACK
EXISTING STREAM WITH 30' STREAM BUFFER (FROM TOP OF BANK)
OPEN SPACE/TREE SAVE AREA NOTE: DUE TO UNDISTURBED EXISTING FOREST IN THE TREE SAVE AREA, THE FINAL NUMBERS AND BREAKDOWN WILL BE DETERMINED AT A LATER DATE AS TREE CREDITS ARE DETERMINED AND VERIFIED WITH THE PLANNING DEPARTMENT.
10' REAR SETBACK
EXISTING TREE LINE (TYP)
PROPOSED 41,233 SF FOOTPRINT 4-STORY RESIDENTIAL BUILDING FFE 2332
PROPOSED DUMPSTER WITH SCREENING AND CONCRETE PAD (TYP)
80' NCDOT ROW
PROPOSED BUILDING IMPACT AND VIA SHRUB PLANTING AREA (TYP)
PROPOSED DOG PARK
US-25 SWEETENCREEK ROAD
PROPOSED RETAINING WALL (TYP) NOTE: WALLS OVER 8' TO HAVE VEGETATIVE/ LANDSCAPE SCREENING PER COA UDO SECTION 7-10-5
TREE SAVE AREA NOTE: DUE TO UNDISTURBED EXISTING FOREST IN THE TREE SAVE AREA, THE FINAL NUMBERS AND BREAKDOWN WILL BE DETERMINED AT A LATER DATE AS TREE CREDITS ARE DETERMINED AND VERIFIED WITH THE PLANNING DEPARTMENT.
PROPOSED BUILDING IMPACT AND VIA SHRUB PLANTING AREA (TYP)
PROPOSED 41,233 SF FOOTPRINT 4-STORY RESIDENTIAL BUILDING FFE 2320
PROPOSED CONCRETE SIDEWALK (TYP)
MILLS GAP ROAD
PROPOSED BUILDING IMPACT TREE (TYP)
35' FRONT SETBACK
PROPOSED STREET TREES ALONG STREET FRONTAGE (TYP)
PROPOSED VIA TREE (TYP)
PROPOSED POOLHOUSE
PROPOSED CLUBHOUSE
CASTERL LANE
EXISTING NCDOT RIGHT OF WAY
40' NCDOT ROW

PLANTING SUMMARY:

STREET TREES (ST)
1 SMALL MATURING TREE PER 40 LF OF STREET FRONTAGE WITH NO OVERHEAD POWER LINES
MILLS GAP: 710 FT FRONTAGE = 21 TREES
SWEETEN CREEK: 653 FT FRONTAGE = 17 TREES
TREES REQUIRED = 38
TREES PROVIDED = 38

PARKING LOT LANDSCAPING (VUA)
1 TREE AND 4 SHRUBS PER 1000 SF
(ON LARGE TRACTS) ARE SMALL CREED
TOTAL VUA AREA = 127,167 SF/ 127 TREES AND 448 SHRUBS
TREES REQUIRED = 127
TREES PROVIDED = 127
SHRUBS REQUIRED = 448
SHRUBS PROVIDED = 448

BUILDING IMPACT (BI)
1 TREE AND 2 SHRUBS PER 1000 SF
TOTAL BUILDING STACK SF FOOTPRINT = 86 TREES AND 170 SHRUBS
TREES REQUIRED = 86
TREES PROVIDED = 86
SHRUBS REQUIRED = 170
SHRUBS PROVIDED = 170

TREE SAVE AREA (TS)
PER ACRE: 9 LG. TREES (2.5" CAL.) 9 LG. TREES (3 IN CAL.) 10 SM. TREES (2 IN CAL.) TO SM. TREES 100 SHRUBS
USE OF PROPERTY: 13.10 AC = SEE TREE SAVE AREA NOTE DUE TO EXISTING UNDISTURBED FOREST AREA

VICINITY MAP
(NOT TO SCALE)

DEVELOPMENT DATA

OWNER/DEVELOPER:	PULLIAM PROPERTIES 2 WALDEN RIDGE DR., STE 70 ASHEVILLE, NC 28803 RUSTY PULLIAM (828) 654-4344
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 160 PATTON AVENUE ASHEVILLE, NORTH CAROLINA 28801 C. CHRIS DAY, P.E. (828) 252-4388
ARCHITECT:	PLANNERS ARCHITECTURE 5711 SIX FORKS ROAD, STE 100 RALEIGH, NC 27609 KEN DRASWELL (919) 848-8100
SURVEYOR:	BROOKS ENGINEERING ASSOCIATES 17 ARLINGTON STREET ASHEVILLE, NC 28801 PAUL SEXTON (828) 322-4700
PIN:	9653337074
ADDRESS:	80 MILLS GAP ROAD
DEED BOOK/PAGE:	5173/0630
PROJECT ACREAGE:	13.34 ACRES
ZONING:	CURRENT – RD PROPOSED – HB

DEVELOPMENT DATA

SETBACK	
FRONT:	35' (FROM MILLS GAP)
SIDES:	0'
REAR:	10'
CORNER:	25' (FROM US 25A)
DISTURBED AREA:	13.0 AC

PARKING CALCULATIONS:

VEHICULAR:

	MINIMUM	MAXIMUM
147 1/2-BEDROOMS (1 PER 1 UNIT)	147	147
125 3+BEDROOMS (1.75 PER 1 UNIT)	250	250
SPACES REQUIRED:	397	397
SPACES PROVIDED:	401	

HANDICAPPED SPACES:
SPACES REQUIRED: 8 SPACES PROVIDED: 10
BICYCLE MINIMUM REQUIRED: 20 AMOUNT PROVIDED: 20

BUILDING DATA:

BUILDING	DESCRIPTION	HEIGHT	GFA
BUILDING 1	4-STORY RESIDENTIAL	48'	163,012 SF
BUILDING 2	4-STORY RESIDENTIAL	48'	163,012 SF
CLUBHOUSE	CLUBHOUSE	25'	4,160 SF

IMPERVIOUS CALCULATIONS:

	IMPERVIOUS	PERVIOUS
PRE-DEVELOPMENT:	3.68 ACRES (11%)	17.66 ACRES (55%)
POST-DEVELOPMENT:	7.05 ACRES (44%)	13.52 ACRES (42%)

OPEN SPACE CALCULATIONS: REQUIRED/PROVIDED: 3.3 AC (15%)

DENSITY CALCULATIONS:

RESIDENTIAL DENSITY – HB:	33/ACRE
MAXIMUM UNITS ALLOWED:	535 UNITS
UNITS PROPOSED:	272 UNITS (TWO 136 UNIT BUILDINGS)

811 Know what's below. Call before you dig.

NORTH

CONCEPTUAL LANDSCAPE COMPLIANCE PLAN

GRAPHIC SCALE

(IN FEET)
1 inch = 60 ft.

CIVIL DESIGN CONCEPTS, PA

NO.	DATE	DESCRIPTION	BY
1.	09/23/15	CONDITIONAL ZONING SUBMITTAL	MJD
2.	12/08/15	REVISED CONDITIONAL ZONING SUBMITTAL	MJD
3.	06/20/16	ROAD IMPROVEMENTS PER CONDITIONS	KDC

FOR REVIEW ONLY
PRELIMINARY NOT RELEASED FOR CONSTRUCTION

CONCEPTUAL LANDSCAPE COMPLIANCE PLAN FOR:

HAWTHORNE AT MILLS GAP

OWNER/DEVELOPER – ASHEVILLE, NORTH CAROLINA

DATED 09/20/2015
DRAWN BY: MJD
CDC PROJECT NO.: 11541

SHEET
L101

ORDINANCE NO. 4514

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 26th day of July, 2016.

Magdalen Bullson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Approve funds to be appropriated for Emergency Solution Grant.

Magdalen Bullson
City Clerk

City of Asheville
Budget Amendment Details

1. Effective Date: 6/20/2016
2. Fiscal Year: 2015-16

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

Community Development	6/20/2016	
4. Requesting Department	5. Today's Date	6. Preparer's Name

7. Comments/Purpose:budget Amendment for ESG FY 15-16 Amendment

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
22004207:435000:D1602	$57,586	$57,586	$59,586	$2,000
	$0	$0	$0	
			$0	
Expenditures:			$0	
22004207:528013:D1602	$0	$0	$2,000	$2,000
	$0	$0	$0	
			$0	
			$0	
			$0	
Revenue:			$0	
22004207:435000:D1603	$61,379	$61,379.00	$89,751	$28,372
			$0	
			$0	
Expenditures:			$0	
22004213:527101:D1603	$61,379	$61,379.00	$89,751	$28,372
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
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			$0	
			$0	
			$0	
			$0	
			$0	
			$0	

13. Balance of Transaction: $60,744.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:
By:
Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

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ORDINANCE NO. 4515

ORDINANCE RE-ADOPTING THE CITY OF ASHEVILLE WATER RESOURCES DEPARTMENT'S POLICY MANUAL

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-312(b), the City of Asheville may adopt rules to protect and regulate any public enterprise system belonging to or operated by it both within and outside the corporate limits of the City; and

WHEREAS, by Ordinance dated December 14, 2010, City Council re-adopted the Water Resources Department's Policy Manual; and

WHEREAS, from time to time, the Water Resources Department's Policy Manual must be amended to remain compliant with applicable federal and state laws as well as the policies and procedures of the City of Asheville Water Resources Department;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The revised July 26, 2016, Water Resources Department's Policy Manual shall be re-adopted and take effect immediately.

Read, approved and adopted this the 26th day of July, 2016.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

ORDINANCE NO. 4516

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 26th day of July, 2016.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: 14 Riverside Drive

Magdalen Bulleson
City Clerk

City of Asheville
Budget Amendment

1. Effective Date: 7/26/2016
2. Fiscal Year: 2016/17

3. Amendment to Operating ____ and/or Capital Project _x___ appropriation.

4. Requesting Department	5. Today's Date	6. Department Head Signature
Capital Projects	7/19/2016	

7. Comments/Purpose: to budget additional funding for 14 Riverside Dr Project

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
General Capital Projects Fund				
Revenue:				
2016 Facility Loan				
41000131 494161 Q1621	$125,681.00	$25,000.00	$438,620.00	$312,939.00
Expenditures:				
Buildings				
41000131 612101 Q1621	$450,000.00	$0.00	$762,939.00	$312,939.00
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget Division and City Clerk's Office.

15. Budget Division Approval:		19. Date Posted:	
16. Ordinance Number:		By:	
17. Date Received in Budget Division:		Sheet #:	
18. Date Sent to City Clerk:			

Must be received by Budget Division 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4517

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 6th day of September, 2016.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: Budget $50,000 from the United States Smal Business Administration (SBA) to fund the development, deployment and maintenance of a web-based application to assist small business owners and prospectors with the zoning and permitting process.

Magdalen Bowleson
City Clerk

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City of Asheville
Budget Amendment

1. Effective Date:
2. Fiscal Year: 2016-17

3. Amendment to Operating ____ and/or Capital Project X appropriation.

Development Services — 8/30/2016

4. Requesting Department — 5. Today's Date — 6. Department Head Signature

7. Comments/Purpose: To budget SBA prize for small business startup enhancements

8. Account Number	9. Beginning Budget	10. Account Summary Balance	11. New Budget	12. Increase or Decrease By
Revenue:				
Misc Intergovernmental Revenue				
22000130 436003 G1703	$0.00	$0.00	$50,000.00	$50,000.00
Expenditures:				
Contracted Services				
22000130 521001 G1703	$0.00	$0.00	$30,000.00	$30,000.00
Supplies				
22000130 524001 G1703	$0.00	$0.00	$20,000.00	$20,000.00
			13. Balance of Transaction:	$0.00

14. Information below is to be completed by Budget & Research and City Clerk's office.

15. Budget & Research Approval:
16. Ordinance Number:
17. Date Received in Budget & Research:
18. Date Sent to City Clerk:

19. Date Posted:
By:
Sheet #:

Must be received by Budget & Research 14 days prior to the City Council Meeting.

BUDAMEND.XLS

ORDINANCE NO. 4518

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 6th day of September, 2016.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: To adjust for the transfer of the Homeless Management Information System grant to the City of Asheville mid-year in last year's grant cycle.

Magdalen Bowlson
City Clerk

City of Asheville
Budget Amendment Details

1. Effective Date: 9/6/2016
2. Fiscal Year: 2016-2017

3. Amendment to Operating __X__ and/or Capital Project ___ appropriation.

4. Requesting Department	5. Today's Date	6. Preparer's Name
Community Deveopment	8/25/2016	M. Feinblatt

7. Comments/Purpose:HUD Continuum of Care Grant for Homeless Management Information Systems(HMIS) and CoC Lead Panning Costs

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
22004207:435000:D1604	$52,000	$0	$103,392	$51,392
	$0	$0	$0	
			$0	
Expenditures:			$0	
22004207:528013:D1604	$13,452	$0	$64,844	$51,392
	$0	$0	$0	
			$0	
			$0	
			$0	
Revenue:			$0	
			$0	
			$0	
			$0	
Expenditures:			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
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			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	

13. Balance of Transaction: $102,784.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:
By:
Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.

ORDINANCE NO. 4519

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 6th day of September, 2016.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

PURPOSE: NC Governor's Crime Commission's State Appropriation Committee 2016-17 Body Worn Video Cameras – Local Solicitation

Magdalen Bowleson
City Clerk

City of Asheville

Budget Amendment Details

1. Effective Date: 9/6/2016

2. Fiscal Year: 2016-17

3. Amendment to Operating ____ and/or Capital Project _X__ appropriation.

Asheville Police Dept	9/6/2016	John Sanchez
4. Requesting Department	**5. Today's Date**	**6. Preparer's Name**

7. Comments/Purpose: NC Governor's Crime Commission's State Appropriation Committee 2016-17 Body Worn Video Cameras – Local Solicitation

8. Account Number	9. Beginning Budget	10. Unencumbered Balance	11. New Budget	12. Increase or Decrease By
			$0	
Revenue:			$0	
Restricted Intergv State Grant			$0	
22000120-436000-P17XX	$0	$0	$99,781	99,781.16
Transfer from Gen Fund to Grant Fund			$0	
22090120-498100-P17XX	$0	$0	$199,563	$199,563.00
Expenditures:			$0	
Safety Supplies Safety			$0	
XXXXXXXX-524003-P17XX	$0	$0	$222,966	222,966.16
Materials			$0	
XXXXXXXX-524001-P17XX	$0	$0	$67,073	$67,073
Lic Taxes & Fees			$0	
XXXXXXXX-528001-P17XX	$0	$0	$9,305	$9,305
			$0	
			$0	
			$0	
Expenditures:			$0	
Machinery and Equipment			$0	
11000123:614101	$175,000	$175,000	$0	($175,000)
Materials			$0	
11000123:524001	$145,272	$52,000	$120,709	($24,563)
Transfer to Grant Fund			$0	
11090122:800220	$133,662	$133,662	$333,225	$199,563
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	
			$0	

13. Balance of Transaction: $0.00

14. Information below is to be completed by Budget office.

15. Audit & Budget Approval:

16. Date Posted:

By:

Sheet #:

This form is to be used to transfer funds from one line item to another in the same department.
The instructions for this form are in G:\Common\BAinstr.doc

ORDINANCE NO. 4520

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 184 NEW HAW CREEK ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a) The site has historically been a non-residential use;
b) Additional landscaping provides buffering from adjacent residential uses; and
c) The reuse of the building and site proposes minimal disturbance and preserves a stream buffer.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

> The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9658.47-7249 and recorded in Deed Book 5421, Page 857 and currently owned by John Christoph, LLC from Residential Multi-Family Low Density District to Community Business I Conditional Zone. Said rezoning is subject to the conditions set out in Exhibit "B-1" and substantially complies with the site plans shown in Exhibit "C", both attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 6th day of September, 2016.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

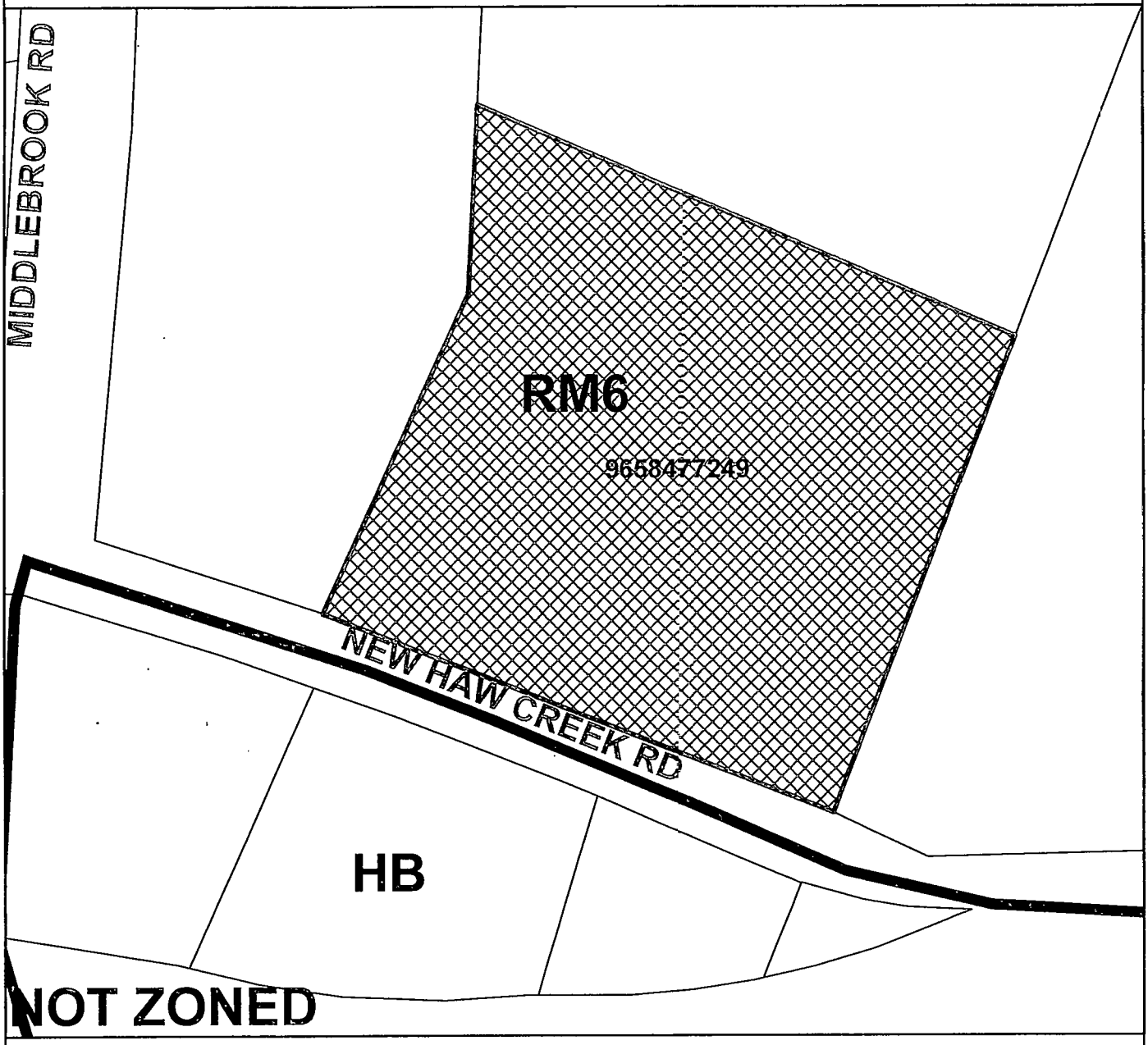
City Attorney

Magdalen Bowlson
City Clerk

City of Asheville - Exhibit A Map
CZ - Haw Creek Restaurant

ASHEVILLE

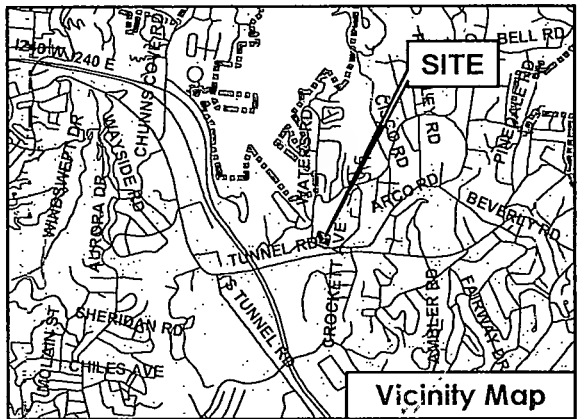
N W E S



Project Name: Haw Creek Restaurant
Project Number: 16 - 06302 PZ
Project Description: Adaptive reuse for restaurant, RM6 to CBI-CZ
Petitioner(s): Matt Sprouse
Parcel ID Number(s): 9658.47-7249

Location/Address: 184 New Haw Creek Road

Project Site
Parcels
Zoning Districts
Asheville City Limits



DRAFT Exhibit B.1 Conditions | 184 New Haw Creek Road CZ

1. The zoning for the site is Community Business I – Conditional Zone (CBI-CZ).

2. An eating and drinking establishment will be housed in the existing building with the creation of outdoor dining area, outdoor seating and amenities. An on-site office will be used to support the restaurant operation.

3. Required landscaping includes property line buffer, street trees, building impact, street buffer, and parking lot landscaping, in conformance with the site plan.

4. The project provides more than the minimum of 15% of the lot area for open space (14,200 square feet shown on plans).

5. The project will preserve a 30 foot stream buffer along the western side of the project area in conformance with the site plan.

6. A standard five foot sidewalk behind a five foot grass strip will be provided along the frontage on New Haw Creek Road in conformance with the site plan, in an easement to be dedicated to the City.

7. A minimum of 47 parking spaces are provided on site with two handicapped accessible spaces and four bicycle spaces.

8. The parking area is approved as shown on the site plan, to be located in the front of the building, as a result of the reuse of the existing building and site.

9. The site and building design, construction materials, orientation and layout must substantially comply with the site plan and building elevations (attached hereto) and incorporated by reference. Any major deviations from these plans will result in reconsideration of the project by the reviewing boards.

10. The outdoor seating area and use of outdoor speakers will cease after 10 pm

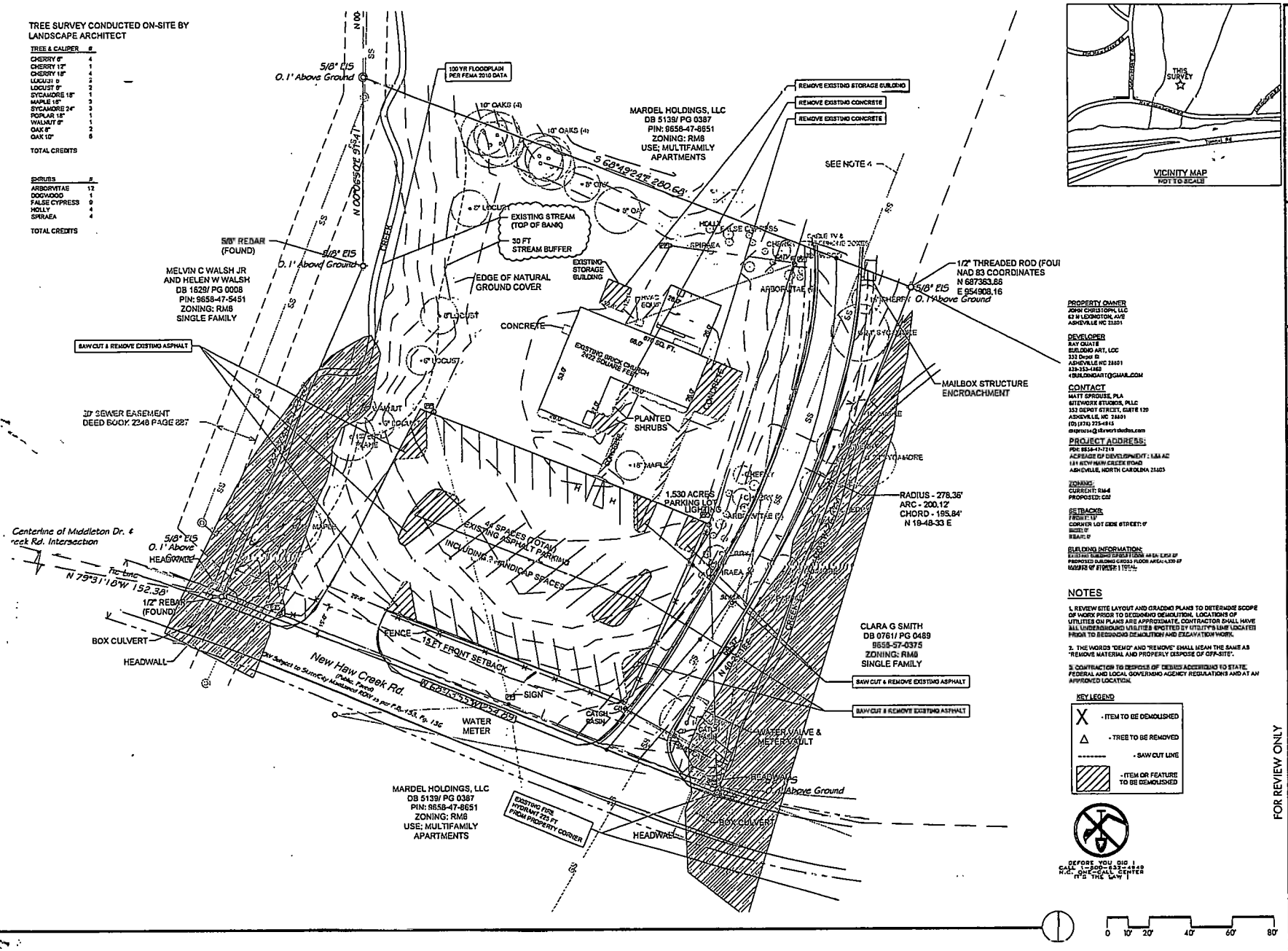
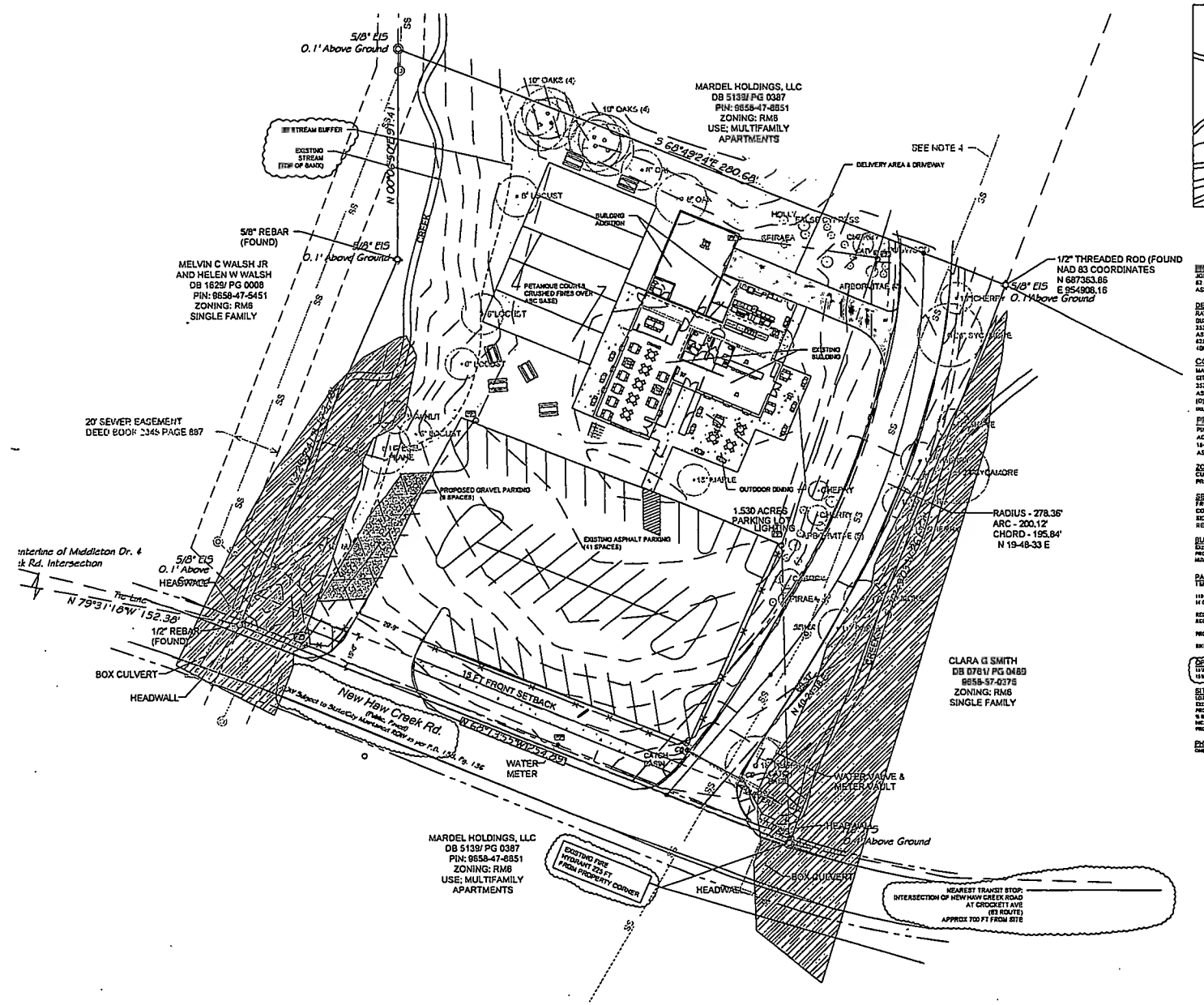
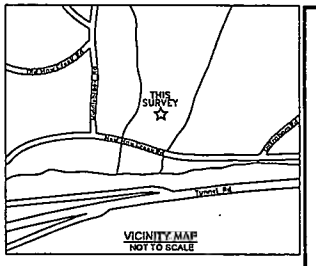

TREE SURVEY CONDUCTED ON-SITE BY LANDSCAPE ARCHITECT
TREE & CALIPER #
CHERRY 6" 4
CHERRY 12" 1
CHERRY 18" 4
LOCUST 6" 2
LOCUST 8" 2
SYCAMORE 18" 1
MAPLE 18" 3
SYCAMORE 24" 3
POPLAR 18" 1
WALNUT 6" 1
OAK 8" 2
OAK 10" 6
TOTAL CREDITS
SHRUBS #
ARBORVITAE 12
DOGWOOD 1
FALSE CYPRESS 9
HOLLY 4
SPIRAEA 4
TOTAL CREDITS
5/8" EIS 0.1' Above Ground
100 YR FLOODPLAIN PER FEMA 2010 DATA
10" OAKS (4)
MARDEL HOLDINGS, LLC DB 5139/ PG 0387 PIN: 9658-47-8651 ZONING: RM8 USE: MULTIFAMILY APARTMENTS
REMOVE EXISTING STORAGE BUILDING
REMOVE EXISTING CONCRETE
REMOVE EXISTING CONCRETE
SEE NOTE 4
S 68°49'24"E 280.69'
EXISTING STREAM (TOP OF BANK)
30 FT STREAM BUFFER
HOLLY
FALSE CYPRESS
SPIRAEA
CHERRY
EXISTING STORAGE BUILDING
ARBORVITAE
1/2" THREADED ROD (FOUI NAD 83 COORDINATES N 687363.86 E 954903.16
5/8" EIS 0.1' Above Ground
50' REBAR (FOUND)
5/8" EIS 0.1' Above Ground
MELVIN C WALSH JR AND HELEN W WALSH DB 1629/ PG 0008 PIN: 9658-47-5451 ZONING: RM8 SINGLE FAMILY
EDGE OF NATURAL GROUND COVER
CONCRETE
EXISTING BRICK CHURCH 2425 SQUARE FEET
670 SQ.FT.
PLANTED SHRUBS
MAILBOX STRUCTURE ENCROACHMENT
SAW CUT & REMOVE EXISTING ASPHALT
20' SEWER EASEMENT DEED BOOK 2348 PAGE 227
1.530 ACRES PARKING LOT LIGHTING
RADIUS - 278.35'
ARC - 200.12'
CHORD - 195.84'
N 19-48-33 E
Centerline of Middleton Dr. & reek Rd. Intersection
5/8" EIS 0.1' Above
HEADWALL
N 79°31'16"W 152.38'
1/2" REBAR (FOUND)
BOX CULVERT
HEADWALL
46 SPACES (TOTAL) INCLUDING 3 HANDICAP SPACES
EXISTING ASPHALT PARKING
FENCE
15 FT FRONT SETBACK
New Haw Creek Rd.
SIGN
WATER METER
CATCH BASIN
CLARA G SMITH DB 0761/ PG 0489 9658-57-0375 ZONING: RM8 SINGLE FAMILY
SAW CUT & REMOVE EXISTING ASPHALT
SAW CUT & REMOVE EXISTING ASPHALT
WATER VALVE & METER VAULT
MARDEL HOLDINGS, LLC DB 5139/ PG 0387 PIN: 9658-47-8651 ZONING: RM8 USE: MULTIFAMILY APARTMENTS
EXISTING FIRE HYDRANT 325 FT FROM PROPERTY CORNER
HEADWALL
BOX CULVERT
VICINITY MAP
NOT TO SCALE
THIS SURVEY
PROPERTY OWNER
JOHN CHRISTOPH, LLC
62 N LEXINGTON AVE
ASHEVILLE NC 28801
DEVELOPER
RAY QUATE
BUILDING ART, LLC
352 Depot St
ASHEVILLE NC 28801
828-353-1462
4BUILDINGART@GMAIL.COM
CONTACT
MATT SPROUSE, PLA
SITEWORK STUDIOS, PLLC
352 DEPOT STREET, SUITE 120
ASHEVILLE, NC 28801
(O) (828) 575-0915
msprouse@siteworkstudios.com
PROJECT ADDRESS:
PIN: 9658-47-7219
ACREAGE OF DEVELOPMENT: 1.53 AC
181 NEW HAW CREEK ROAD
ASHEVILLE, NORTH CAROLINA 28803
ZONING:
CURRENT: RM-8
PROPOSED: CU
SETBACKS:
FRONT: 15'
CORNER LOT SIDE STREET: 0'
SIDE: 0'
REAR: 0'
BUILDING INFORMATION:
EXISTING BUILDING FOOTPRINT AREA: 2,353 SF
PROPOSED BUILDING GROSS FLOOR AREA: 4,200 SF
NUMBER OF STORIES: 1 TOTAL
NOTES
1. REVIEW SITE LAYOUT AND GRADING PLANS TO DETERMINE SCOPE OF WORK PRIOR TO BEGINNING DEMOLITION. LOCATIONS OF UTILITIES ON PLANS ARE APPROXIMATE. CONTRACTOR SHALL HAVE ALL UNDERGROUND UTILITIES SPOTTED BY UTILITY'S LINE LOCATER PRIOR TO BEGINNING DEMOLITION AND EXCAVATION WORK.
2. THE WORDS "DEMO" AND "REMOVE" SHALL MEAN THE SAME AS "REMOVE MATERIAL AND PROPERLY DISPOSE OF OFF-SITE".
3. CONTRACTOR TO DISPOSE OF DEBRIS ACCORDING TO STATE, FEDERAL AND LOCAL GOVERNING AGENCY REGULATIONS AND AT AN APPROVED LOCATION.
KEY LEGEND
X - ITEM TO BE DEMOLISHED
Δ - TREE TO BE REMOVED
- SAW CUT LINE
- ITEM OR FEATURE TO BE DEMOLISHED
BEFORE YOU DIG ! CALL 1-800-632-4949 N.C. ONE-CALL CENTER IT'S THE LAW !
0 10' 20' 40' 60' 80'
FOR REVIEW ONLY
sitework STUDIOS
LANDSCAPE ARCHITECTURE
352 Depot Street | Suite 120 | Asheville, NC 28801 | 828.575.0915
HAW CREEK RESTAURANT
PREPARED FOR:
JOHN CHRISTOPH, LLC
62 S. LEXINGTON AVE, ASHEVILLE, NC 28801
REVISIONS
NO. REMARKS DATE
1 TRC COMMENTS 7/19/2016
NORTH CAROLINA LICENSED LANDSCAPE ARCHITECT C-188 SITEWORK STUDIOS PLLC
DATE:
05.25.2016
SHEET TITLE:
EXISTING CONDITIONS AND DEMOLITION PLAN
SHEET NO.
L-100

Exhibit C 1 of 4





PROPERTY OWNER
JOHN CHRISTOPH, LLC
62 N LEXINGTON, AVE
ASHEVILLE NC 28801

DEVELOPER
RAY DUATE
BUILDING ART, LCC
353 Depot St
ASHEVILLE NC 28801
828-253-4180
(BUILDINGART@GMAIL.COM

CONTACT
MATT CIPKOUSE, PLA
SITEWORK STUDIOS, PLLC
352 DEPOT STREET, SUITE 120
ASHEVILLE, NC 28801
(O) (828) 225-4913
mcipkouse@siteworkstudios.com

PROJECT ADDRESS:
PIN: 9658-47-7719
ACREAGE OF DEVELOPMENT: 1.53 AC
184 NEW HAW CREEK ROAD
ASHEVILLE, NORTH CAROLINA 28805

ZONING:
CURRENT: RM-6
PROPOSED: CBI

SETBACKS:
FRONT: 15'
CORNER LOT SIDE STREET: 0'
SIDE: 0'
REAR: 0'

BUILDING INFORMATION:
EXISTING BUILDING GROSS FLOOR AREA: 2,956 SF
PROPOSED BUILDING GROSS FLOOR AREA: 4,130 SF
NUMBER OF STORIES: 1 TOTAL

PARKING REQUIREMENTS:
1 SPACE PER 5 SEATS + 1 SPACES / EMPLOYEES AT HIGHEST SHIFT

110 SEATS
14 EMPLOYEES

REQUIRED MIN. PARKING: 44
REQUIRED MAX. PARKING: 62

PROPOSED PARKING: 47 (INCL. 2 HC SPACES)

BIKE PARKING REQUIRED/ PROPOSED: 9.5 or 44 + 5.2 (1 SPACES)

OPEN SPACE REQUIREMENTS:
15% OF LOT REQUIRED
15% X 1.53 ACRES = .23 ACRES (10,019 SF)

SITE CALCULATIONS:
LOT SIZE 1.53 ACRES
EXISTING IMPERVIOUS SURFACE AREA: 35,199 SF (.81 AC)
PROPOSED IMPERVIOUS SURFACE AREA: 30,581 SF (.69 AC)
% IMPERVIOUS = 45%
INCREASED IMPERVIOUS SURFACE: 4,951 SF
PROPOSED GRADING: 4800 SF (OUTDOOR PATIO AND PETANQUE COURTS)

PHASE INFORMATION:
ONE PHASE ONLY

FOR REVIEW ONLY

0 10' 20' 40' 60' 80'

sitework STUDIOS
LANDSCAPE ARCHITECTURE
352 Depot Street | Suite 120 | Asheville, NC 28801 | 828.225.4913

HAW CREEK RESTAURANT

PREPARED FOR:
JOHN CHRISTOPH, LLC
62 S. LEXINGTON AVE, ASHEVILLE, NC 28801

REVISIONS

NO.	REMARKS	DATE
1	TEC Comments	7-19-2016

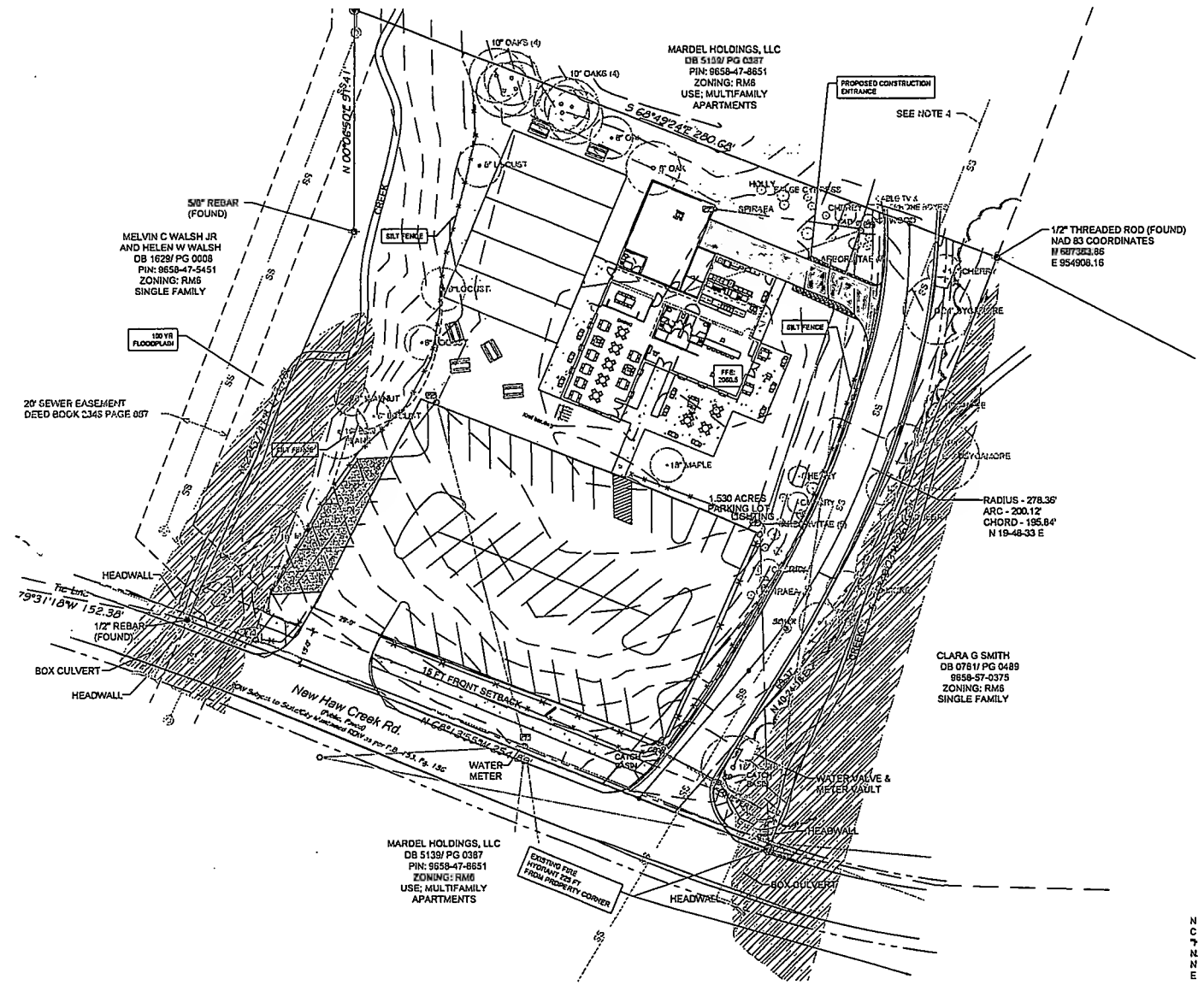
NORTH CAROLINA LANDSCAPE ARCHITECTURAL C-1188 SITEWORK STUDIOS, PLLC

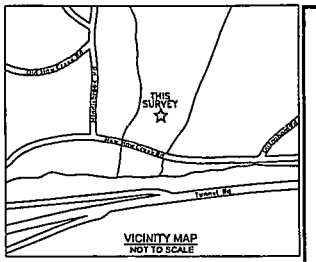
DATE:
05.25.2016

SHEET TITLE:
MASTER PLAN

SHEET NO.
L-200

Exhibit C 394





PROPERTY OWNER
JOHN CHRISTOPH, LLC
62 N LEXINGTON, AVE
ASHEVILLE NC 28801

DEVELOPER
RAY QUATE
BUILDING ART, LCC
332 Depot St
ASHEVILLE NC 28801
828-253-4468
<BUILDINGART@GMAIL.COM>

CONTACT
MATT SPROUSE, PLA
SITEWORK STUDIOS, PLLC
163 DEPOT STREET, SUITE 120
ASHEVILLE, NC 28801
(O) (828) 225-4845
msprouse@siteworkstudios.com

PROJECT ADDRESS:
PID: 9658-47-3721-0
ACREAGE OF DEVELOPMENT: 1.53 AC
184 NEW HAW CREEK ROAD
ASHEVILLE, NORTH CAROLINA 28805

ZONING:
CURRENT: RM-8
PROPOSED: CBI

SETBACKS:
FRONT: 18'
CORNER LOT SIDE STREET: 0'
SIDE: 0'
REAR: 0'

BUILDING INFORMATION:
EXISTING BUILDING GROSS FLOOR AREA: 2,954 SF
PROPOSED BUILDING GROSS FLOOR AREA: 4,330 SF
NUMBER OF STORIES: 1 TOTAL

PARKING REQUIREMENTS:
TRACT 1 - FOOD SERVICE
REQUIRED PARKING (SF / 150 FITNESS): 15-30 (MIN.- MAX.)
PROPOSED PARKING: 30 (2 SHARED INCL. 1 HC SPACE)
SIKE PARKING REQUIRED PROPOSED: 1

TRACT 2 - FOOD SERVICE
REQUIRED PARKING (SF / 150 = 0 (MIN. - MAX.)
PROPOSED PARKING: 0 (0 INCL. 1 HC SPACE)
SIKE PARKING REQUIRED PROPOSED: 1

SITE CALCULATIONS:
TOTAL NEW GRADED AREA: 7065 SF

IMPERVIOUS SURFACE CALC:
TRACT 1: 4,600 SF
TRACT 1 ACREAGE: 0.5613 SF (.105 AC)
TRACT 1 IMPERVIOUS: 49%

TRACT 2: 13,343 SF
TRACT 2 ACREAGE: 37,221.0 SF (.8541 AC)
TRACT 2 IMPERVIOUS: 43%

TOTAL 18,940 SF
TOTAL PROJECT ACREAGE: 37,606.15 SF (0.861 AC)
TOTAL % IMPERVIOUS: 43%

EROSION CONTROL NOTES

1. THE CONTRACTOR SHALL INSTALL HAY BALE DAMS EVERY 200' ON ANY TEMPORARY DRAINAGE SWALES OR DITCHES USED DURING CONSTRUCTION.

2. ALL HAY BALE DAMS SHALL BE INSPECTED AFTER EACH RAINFALL. NECESSARY REPAIRS SHALL BE MADE PROMPTLY.

3. SEDIMENT DEPOSITS SHALL BE REMOVED WHEN THE LEVEL OF DEPOSITION REACHES APPROXIMATELY ONE-HALF THE HEIGHT OF THE BARRIER. ALL SEDIMENTS REMOVED SHALL BE DISPOSED IN ACCORDANCE WITH THE PROJECT SPECIFICATIONS FOR DISPOSAL OF ANY EXCAVATION ON THE SITE.

4. ALL SEDIMENT CONTROL MEASURES SHALL BE INSPECTED AT LEAST ONCE EVERY SEVEN CALENDAR DAYS AND AFTER ANY STORM EVENT GREATER THAN 0.5 INCHES OF PRECIPITATION DURING ANY 24 HOUR PERIOD. ALL SEDIMENT CONTROL FEATURES SHALL BE MAINTAINED UNTIL FINAL STABILIZATION HAS BEEN OBTAINED.

5. STABILIZATION MEASURES SHALL BE INITIATED AS SOON AS PRACTICAL IN PORTIONS OF THE SITE WHERE CONSTRUCTION ACTIVITIES HAVE TEMPORARILY OR PERMANENTLY CEASED, BUT IN NO CASE MORE THAN 14 DAYS AFTER THE CONSTRUCTION ACTIVITY IN THAT PORTION OF THE SITE HAS TEMPORARILY OR PERMANENTLY CEASED, UNLESS ACTIVITY IN THAT PORTION OF THE SITE WILL RESUME WITHIN 21 DAYS.

6. THE CONTRACTOR SHALL MAINTAIN HAY BALES AND SILT FENCES AROUND ALL DRAINAGE INLETS, OPEN PIPE INLETS, UNFINISHED JUNCTION BOXES, OR ANY OPENINGS THAT ALLOW STORM WATER BORNE SEDIMENTS TO ENTER THE DRAINAGE SYSTEM OR BE DISCHARGED FROM THE SITE. EROSION CONTROL SHALL BE MAINTAINED AND/OR REPLACED AS NEEDED UNTIL ALL PERMANENT SURFACES (I.E. PAVEMENT, GRASS, PLANTING, ETC.) ARE IN PLACE.

FOR REVIEW ONLY

0 10' 20' 40' 60' 80'

sitework STUDIOS
LANDSCAPE ARCHITECTURE
163 Depot Street | Suite 120 | Asheville, NC 28801 | 828.225.4845

HAW CREEK RESTAURANT
PREPARED FOR:
JOHN CHRISTOPH, LLC
62 S. LEXINGTON AVE, ASHEVILLE, NC 28801

REVISIONS

NO.	REMARKS	DATE

NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECTURAL CORPORATION C-188 SITEWORK STUDIOS, PLLC

DATE:
MAY 25,2016

SHEET TITLE:
CONCEPTUAL GRADING AND EROSION CONTROL/ STORMWATER PLAN

SHEET NO.
L-500

Exhibit C 384

395

Exhibit C
4 of 4

BOUCHON AT HAW CREEK

NEW HAW CREEK ROAD, ASHEVILLE, NORTH CAROLINA

Date
7.19.16

EXTERIOR RENDERING

ORDINANCE NO. 4521

ORDINANCE AMENDING A CONDITIONAL ZONING (ORDINANCE NO. 4476) FOR PROPERTY LOCATED AT 7 AND 11 PATTON AVENUE

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City and is determined to be reasonable and in the public interest for the following reasons:

a) The proposal is an adaptive reuse of an existing building and was deemed appropriate through the 2016 conditional zoning process; and
b) The mix of uses is accommodated in the building and is enhanced by the infrastructure improvements on the site and surrounding sidewalks; and
c) Parking will be provided for the proposed uses utilizing the on-site parking structure and parking on an adjacent parcel.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PINs 9649.40-2414 and 9649.40-1422 and recorded in Deed Book 5160, Page 1146 and currently owned by MHG Tower, LLC, from Central Business District Conditional Zone (CBD CZ) to Central Business District Conditional Zone (CBD CZ) A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof.
Said rezoning is subject to the conditions set out in Exhibit "B1" and substantially complies with the site plans shown in Exhibit "C", both attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 6th day of September, 2016.

Magdalen Bowlson
City Clerk

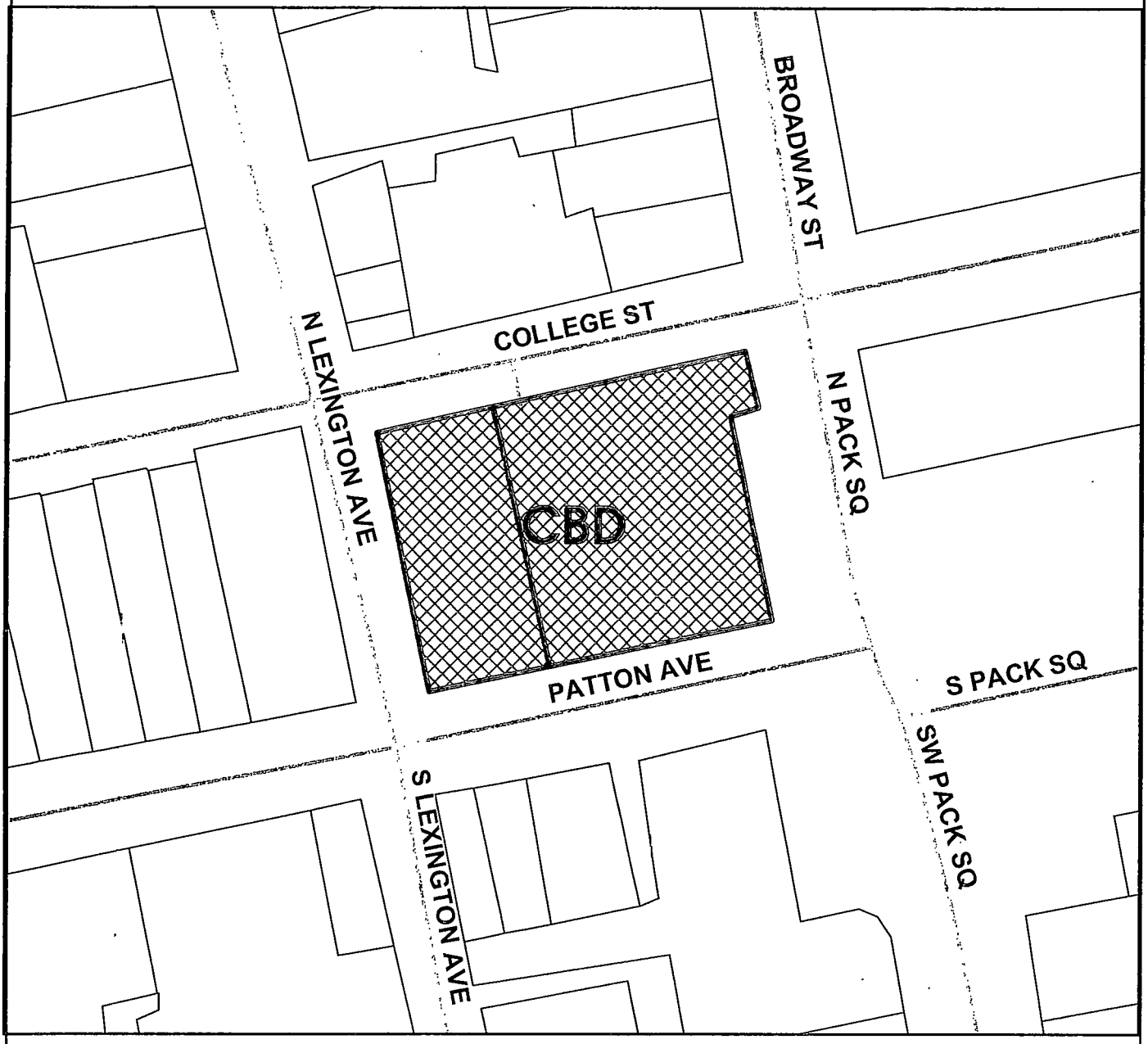
Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

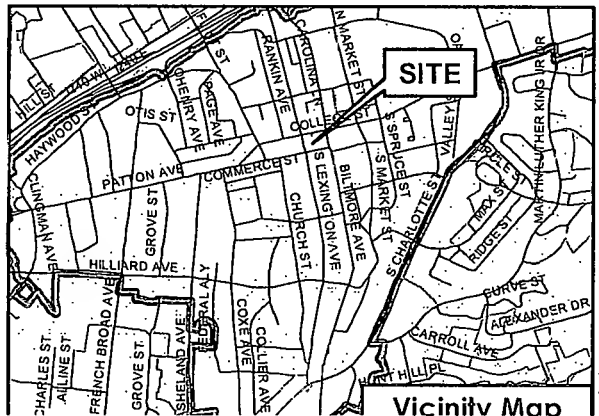
Magdalen Bowlson
City Clerk

City of Asheville - Exhibit A Map
Level III CZ Amendment - 7 Patton Ave



Project Name: Level III CZ Amendment
Arras Development
Project Number: 15-13608PZ
Project Description: Building Renovations
Petitioner(s): MHG, LLC
Parcel ID Number(s): 9649-40-1422 and 9649-40-2414
Location/Address: 7 & 11 Patton Ave

Project Site
Parcels
Central Business District
Asheville City Limits
Streets
Streams



B 1 Conditions

Arras Development

1. The property will be known as 7 Patton Avenue and is zoned Central Business District Conditional Zone (CBD CZ). The property was formerly known as One West Pack Square and 11 Patton Avenue.

2. The building, design, construction, materials, and orientation on the site must be in substantial compliance with the Site Plan and Elevations, which are attached hereto and incorporated herein by reference as Exhibit C. Any major deviations from the Site Plan and Elevations will require an amendment to this conditional zoning approval.

3. The existing building, which has a total square footage of 200,900 square feet, will be renovated with a new façade finish for the exterior of the building. On the west side of the property there will be a three-level parking structure totaling 35,300 square feet with a minimum of 55 parking spaces, bicycle parking and a guest arrival and departure area.

4. The permitted uses on the site are as follows:

   a. 39 to 54 residential units and a hotel with 114 to 140 rooms.

   b. Commercial uses including but not limited to restaurants and retail.

   c. Offices, meeting spaces and other similar uses with similar impacts.

5. The sidewalks surrounding the property shall be improved as proposed in the Site Plan and as described below:

   a. **North Pack Square** – The plaza space is reconfigured to expand the sidewalk space at the corner of Patton Avenue and N. Pack Square. This section includes wide sidewalk areas of varying widths from a minimum of 12 feet up to a maximum of 24 feet, with a transition for stairs and a retaining wall to the upper side of the public space and the front of the building. Five trees are located along this streetscape section. Crosswalks are provided at intersections

   b. **College Street** - The sidewalk is widened to eight feet for the section adjacent to the existing building and 10 feet adjacent to the new parking structure. Five street trees are placed along this streetscape. Access for a loading zone and a driveway connects to the mid-level of the parking structure. A stairway connects the top of the parking structure to the College Street sidewalk. Crosswalks are provided at intersections.

   c. **N. Lexington Avenue** - The sidewalk is widened to 11 feet and four street trees are located on this streetscape. A driveway connects to the lower level of the parking structure. At the corner of N. Lexington and Patton Avenues a niche space is provided within the corner of the parking structure and will be programmed by the owner for art, interpretation or performance space. Crosswalks are provided at intersections.

d. **Patton Avenue** - The sidewalk is widened to at least 12 feet with a significant portion near the corner with N. Lexington Avenue widened to 16 feet in a space that will include two tree plantings. Three additional trees will be added to the streetscape along this frontage. A driveway connects along this side to the upper level of the parking structure and provides the main entrance to the hotel. Crosswalks are provided at intersections.

6. Transit related conditions:

a. The developer/owner shall provide and install two sign poles within the right of way; 1. along Patton Avenue (at North Pack Square) eastbound on the south side of the street, and 2) along N. Pack Square (at College Street) north bound. The design of the sign poles will be determined and approved by the Transportation Department.

b. The developer/owner shall provide and install a bus shelter along the bus route within the public right of way at N. Pack Square along the east side of the street with the location and design as approved by the Transportation Department.

7. Transportation related conditions:

a. The developer/owner shall construct a signal pole base located at N. Lexington Avenue near the corner of Patton Avenue with the final location as determined by the Transportation Department. The Transportation Department will provide engineered drawings for the base, which must be followed in design and construction. The developer/owner will provide an easement to the City for access to and maintenance o f the signal pole base.

b. The developer/owner shall construct a pedestrian pole base to be placed at the back of the sidewalk located at College Street near the corner with N. Lexington Avenue using specifications provided by the Transportation Department. The developer/owner will also relocate the existing signal box at the same corner to an area at the back of the sidewalk area. The developer/owner will provide an easement to the City for access to and maintenance for the pedestrian pole base and the signal box.

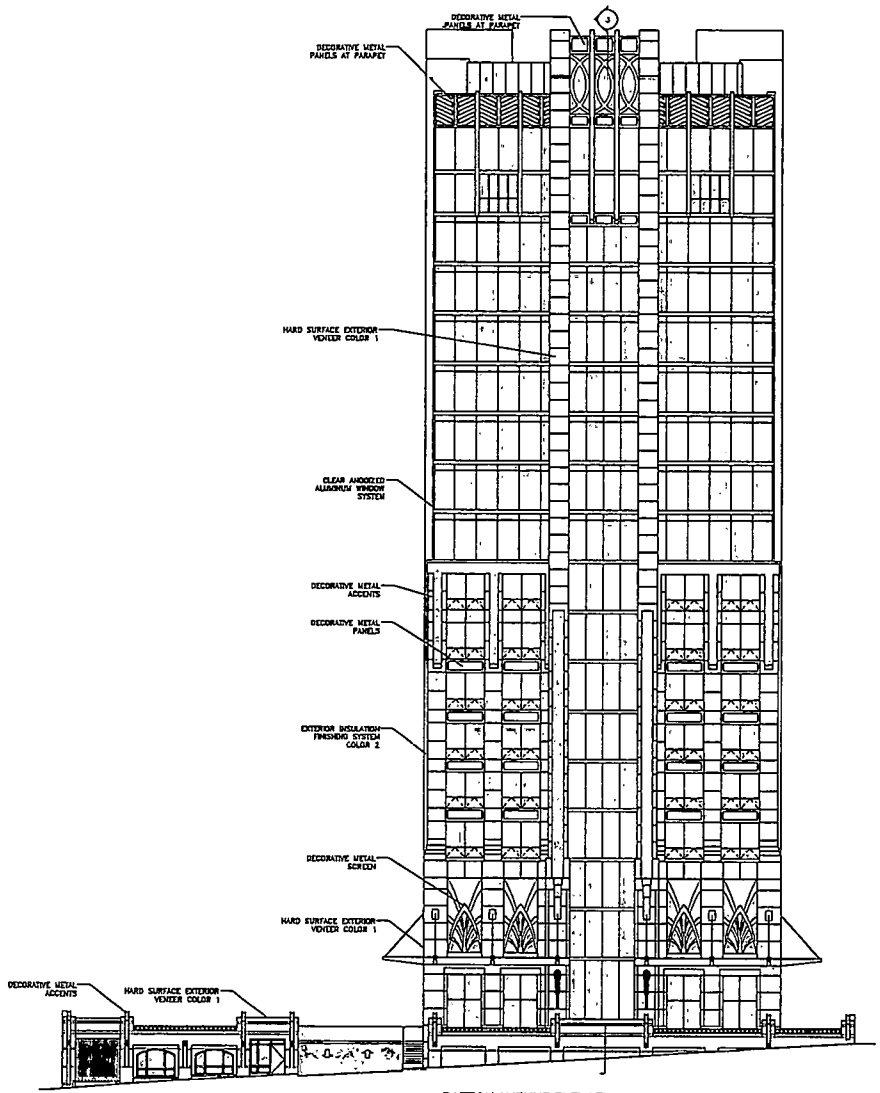
8. The fenestration for the ground floor of the building on the east side must be at least 60 %.

9. The developer/owner will provide a minimum of 60 off-site parking spaces for the hotel's use at a location approved by the City. The applicant/owner shall demonstrate a legal right to use these off-site spaces.

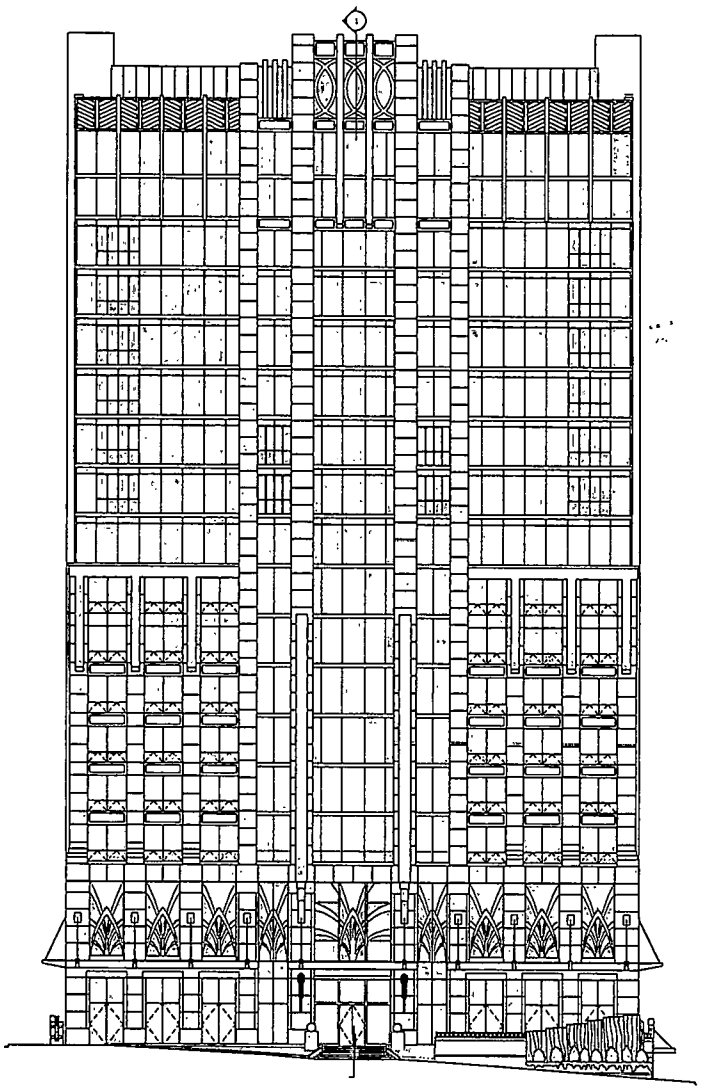
10. The loading /unloading area on N. Pack Square shall be available for public use.

11. The developer/owner will provide a fire command room with exterior access, which meets the requirements of the North Carolina Fire Code.

12. The developer/owner will provide an easement to the City for access to and maintenance for sidewalks in the project area as required.


DECORATIVE METAL PANELS AT PARAPET
HARD SURFACE EXTERIOR VENEER COLOR 1
CLEAR ANODIZED ALUMINUM WINDOW SYSTEM
DECORATIVE METAL ACCENTS
DECORATIVE METAL PANELS
EXTERIOR INSULATION FINISHING SYSTEM COLOR 2
DECORATIVE METAL SCREEN
HARD SURFACE EXTERIOR VENEER COLOR 1
DECORATIVE METAL ACCENTS
HARD SURFACE EXTERIOR VENEER COLOR 1

PATTON AVENUE ELEVATION

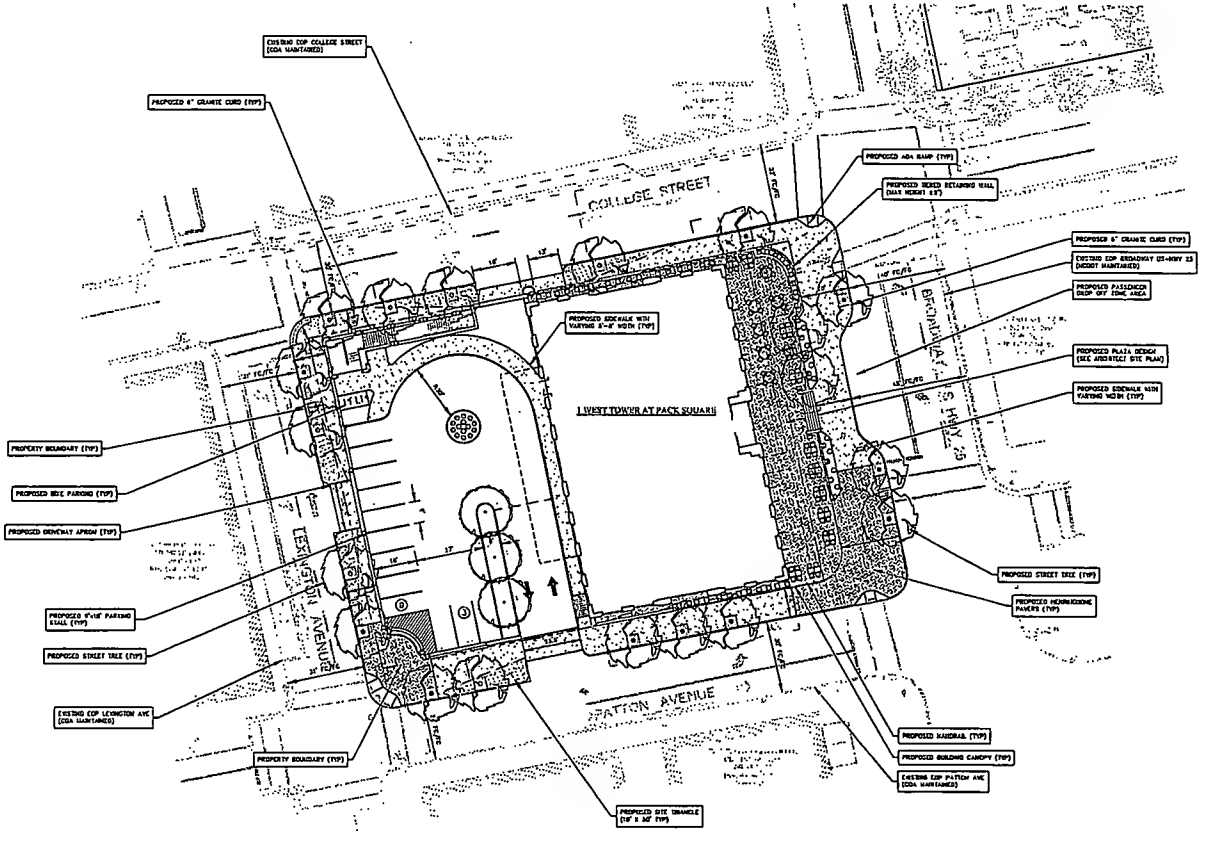


PACK SQUARE ELEVATION

ONE WEST TOWER AT PACK SQUARE

TRIBUTE PORTFOLIO | RVA RESIDE-VANDERBILT | MHG TOWER, LLC

Exhibit C 2 of 3

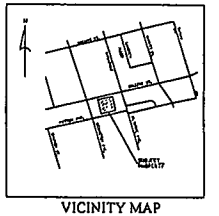

EXISTING CDP COLLEGE STREET (CDOT MAINTAINED)
PROPOSED 6" GRANITE CURB (TYP)
COLLEGE STREET
PROPOSED ADA RAMP (TYP)
PROPOSED BERED RETAINING WALL (MAX HEIGHT 4.5')
PROPOSED 6" GRANITE CURB (TYP)
EXISTING CDP BROADWAY (US-HWY 25 (NCDOT MAINTAINED)
PROPOSED PASSENGER DROP OFF ZONE AREA
PROPOSED SIDEWALK WITH VARYING 5'-8' WIDTH (TYP)
1 WEST TOWER AT PACK SQUARE
BROADWAY (U.S. HWY 25)
PROPOSED PLAZA DESIGN (SEE ARCHITECT SITE PLAN)
PROPOSED SIDEWALK WITH VARYING WIDTH (TYP)
PROPERTY BOUNDARY (TYP)
PROPOSED BIKE PARKING (TYP)
PROPOSED DRIVEWAY APRON (TYP)
PROPOSED 8'x18' PARKING STALL (TYP)
PROPOSED STREET TREE (TYP)
EXISTING CDP LEXINGTON AVE (CDOT MAINTAINED)
LEXINGTON AVENUE
PATTON AVENUE
PROPERTY BOUNDARY (TYP)
PROPOSED SITE TRIANGLE (10' X 70' TYP)
PROPOSED STREET TREE (TYP)
PROPOSED HARDSCAPE PAVERS (TYP)
PROPOSED HANDRAIL (TYP)
PROPOSED BUILDING CANOPY (TYP)
EXISTING CDP PATTON AVE (CDOT MAINTAINED)

LEGEND

PROPOSED CONCRETE DECK

PROPOSED SIDEWALK

PROPOSED BRICK PAVER



VICINITY MAP

(NOT TO SCALE)

DEVELOPMENT DATA

OWNER/DEVELOPER:	MHG TOWER, LLC 487 WASHINGTON STREET SE, STE 700 GAINESVILLE, GA 30501 ERIK BOWEN
CONTACT:	(770) 534-3381
ARCHITECT:	REESE VANDERBILT ARCHITECTURE, P.C. 600 EMBASSY ROW, SUITE 200 ATLANTA, GEORGIA 30328 KEVIN VANDERBILT, AIA
CONTACT:	(404) 679-2001
CIVIL ENGINEER:	CIVIL DESIGN CONCEPTS, P.A. 168 PATTON AVENUE ASHEVILLE, NORTH CAROLINA 28801 JESSE DARDEN, P.E.
CONTACT:	(828) 252-5383
SURVEYOR:	ED HOLMES AND ASSOCIATES, PA [illegible] ASHEVILLE, NC 28806 ED HOLMES, P.L.S.
CONTACT:	(828) 253-4563

PROJECT DATA

PIN:	9618-10-1422; 9618-10-2414
PROJECT LOCATION:	1 WEST PACK SQUARE ASHEVILLE, NC 28801
DEED BOOK/PAGE:	Deed Book 1341 Page 710 Deed Book 1346 Page 339
ZONING:	CBD – CENTRAL BUSINESS DISTRICT
TOTAL AREA:	1 W. PACK SQUARE 0.284 AC 11 PATTON AVE 0.201 AC 0.485 AC
SETBACKS: FRONT: SIDES: REAR:	0' 0' 0'
DISTURBED AREA:	0.57 AC
PARKING PROVIDED:	60 SPACES (2 HANDICAPPED)
BICYCLE PARKING PROVIDED:	4 SPACES
BUILDING INFORMATION:	HEIGHT: 217'-8" TOTAL FLOORS: 19
TOTAL GROSS SQUARE FOOTAGE:	
EXISTING TOWER: NEW PARKING GARAGE:	283,743 SF 35,263 SF
IMPERVIOUS AREA:	PRE = 23,014 SF (80%) POST = 25,437 SF (97%)

PLANTING SUMMARY:

STREET TREE CALCULATIONS

REQUIREMENT: 1 LARGE MATURING TREE FOR EVERY 40 LINEAR FEET OF PROPERTY ADJUTING STREET

STREET FRONTAGE:	
COLLEGE STREET	200 LF
LEXINGTON AVE	140 LF
PATTON AVE	135 LF
NORTH PACK/BROADWAY	153 LF
TREES REQUIRED:	18 TREES
TREES PROVIDED:	19 TREES

811 Know what's below. Call before you dig.

NORTH

CONCEPTUAL SITE & LANDSCAPE PLAN

GRAPHIC SCALE

(IN FEET)

REESE·VANDERBILT
ARCHITECTURE, P.C.
6600 PEACHTREE DUNWOODY RD.
600 EMBASSY ROW
SUITE 200
ATLANTA, GEORGIA 30328
T. 404.679.2001
www.reesevanderbilt.com
Copyright 2013

MCKIBBON HOTEL GROUP

ONE WEST TOWER at PACK SQUARE

ASHEVILLE
NORTH CAROLINA

PRELIMINARY FOR REVIEW ONLY

1	CONCEPTUAL SITE	10.25.13
2	CITY COUNCIL SUBMITTAL	12.12.13

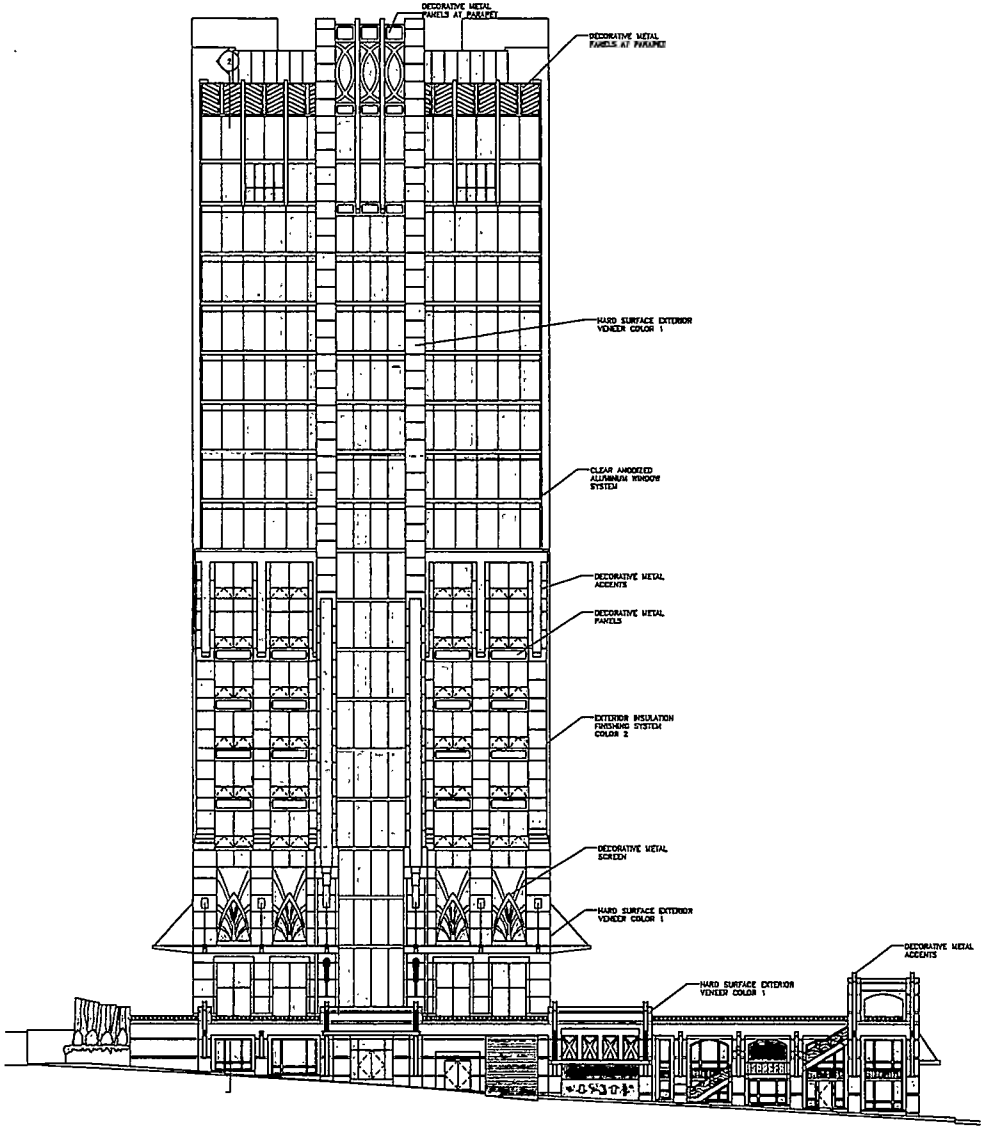
CDC CIVIL DESIGN CONCEPTS, PA

DATE: DECEMBER 12, 2013
DRAWN BY: AJH
CDC JOB #: [illegible]

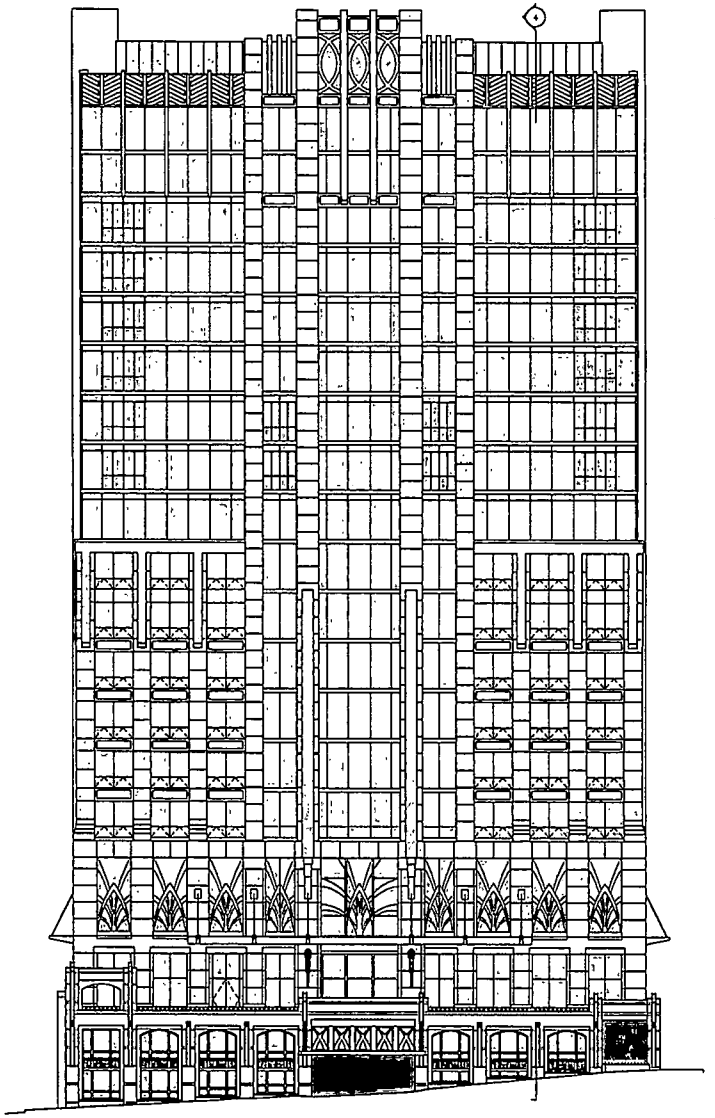
C201

NOT FOR CONSTRUCTION

Exhibit C pg 3


DECORATIVE METAL PANELS AT PARAPET
DECORATIVE METAL PANELS AT PARAPET
HARD SURFACE EXTERIOR VENEER COLOR 1
CLEAR ANODIZED ALUMINUM WINDOW SYSTEM
DECORATIVE METAL ACCENTS
DECORATIVE METAL PANELS
EXTERIOR INSULATION FINISHING SYSTEM COLOR 2
DECORATIVE METAL SCREEN
HARD SURFACE EXTERIOR VENEER COLOR 1
DECORATIVE METAL ACCENTS
HARD SURFACE EXTERIOR VENEER COLOR 1

COLLEGE STREET ELEVATION



LEXINGTON AVENUE ELEVATION

ONE WEST TOWER AT PACK SQUARE

TRIBUTE PORTFOLIO

RVA REUSS-VANDERBILT

MHG TOWER, LLC

Exhibit C 3 of 3

406

ORDINANCE NO. 4522

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 99999 CARIBOU ROAD

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City and is determined to be to be reasonable and in the public interest for the following reasons:

a) improves pedestrian access to the complex;
b) provides land for affordable housing or community use opportunities;
c) supports water quality goals through BMP improvements; and
d) invests in expanding an existing business.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

> The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9657-24-0441, recorded in Deed Book 2284, Page 0612 and currently owned by Eye-Land LLC from Residential Single-Family High Density (RS-8) to Commercial Industrial - Conditional Zoning District (CI-CZ) and Residential Single-Family High Density (RS-8). A copy of the official zoning map showing said lots is attached hereto as Exhibit "A" and made a part hereof. Said rezoning is subject to the conditions set out in Exhibit "B.1", and substantially complies with the site plans shown in Exhibit "C", both attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 6th day of September, 2016.

Magdalen Bullesson
City Clerk

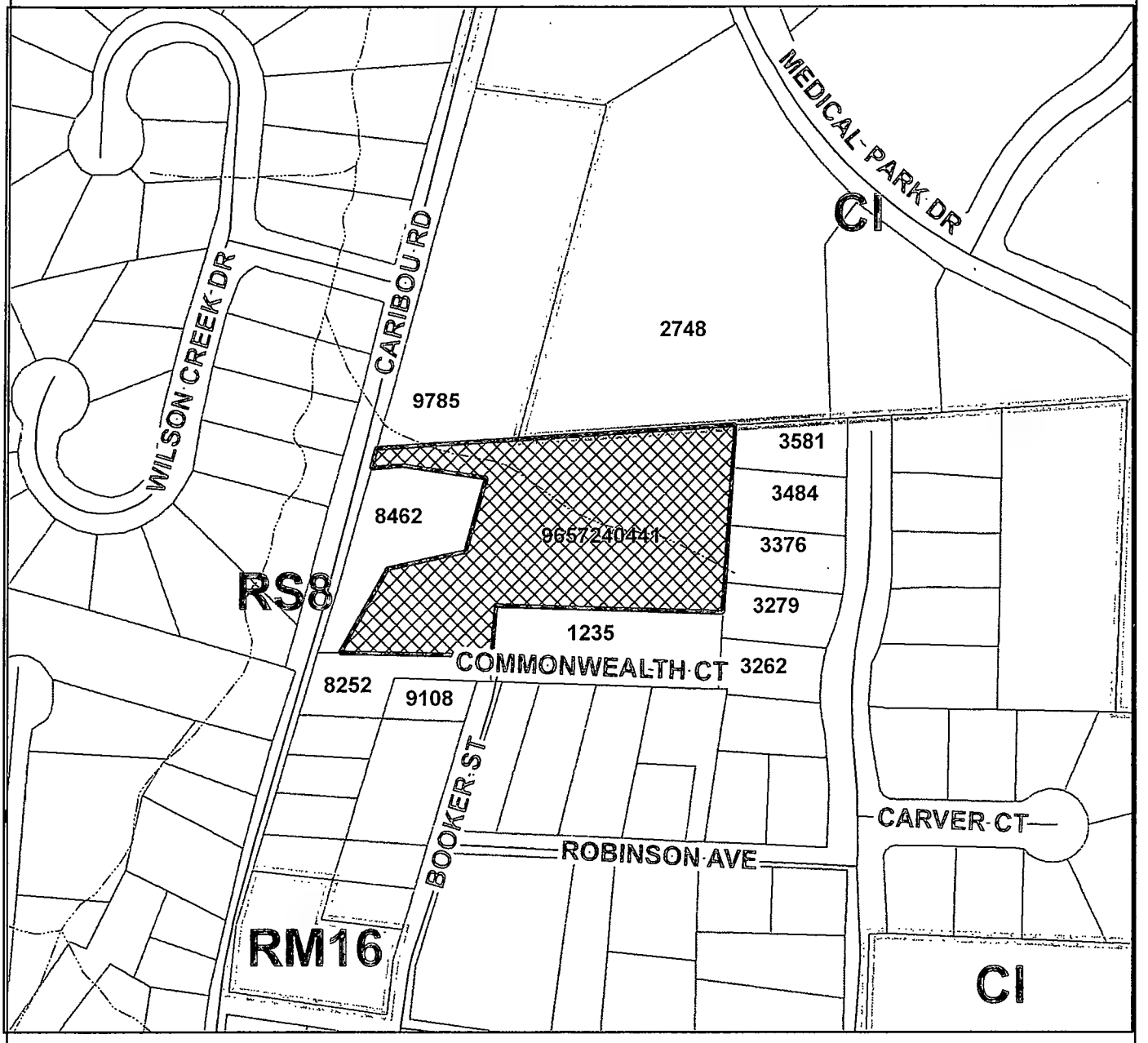
Esther E. Manheimer
Mayor

Approved as to form:

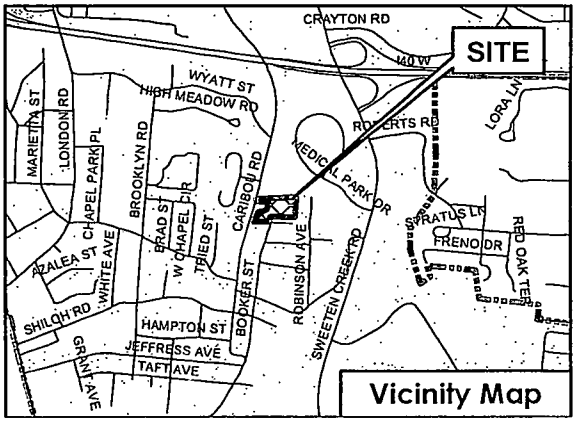
City Attorney

Magdalen Bullesson
City Clerk

City of Asheville - Exhibit A Map
Conditional Zoning - Asheville Eye Associates



Project Name:	Asheville Eye Associates Parking Expansion
Project Number:	16-06300PZ
Project Description:	80 space parking lot
Petitioner(s):	Robert Wiggins
Parcel ID Number(s):	9657-24-0441
Location/Address:	99999 Caribou Drive



Project Site · Parcels · Zoning Districts · Asheville City Limits · Streets · Streams

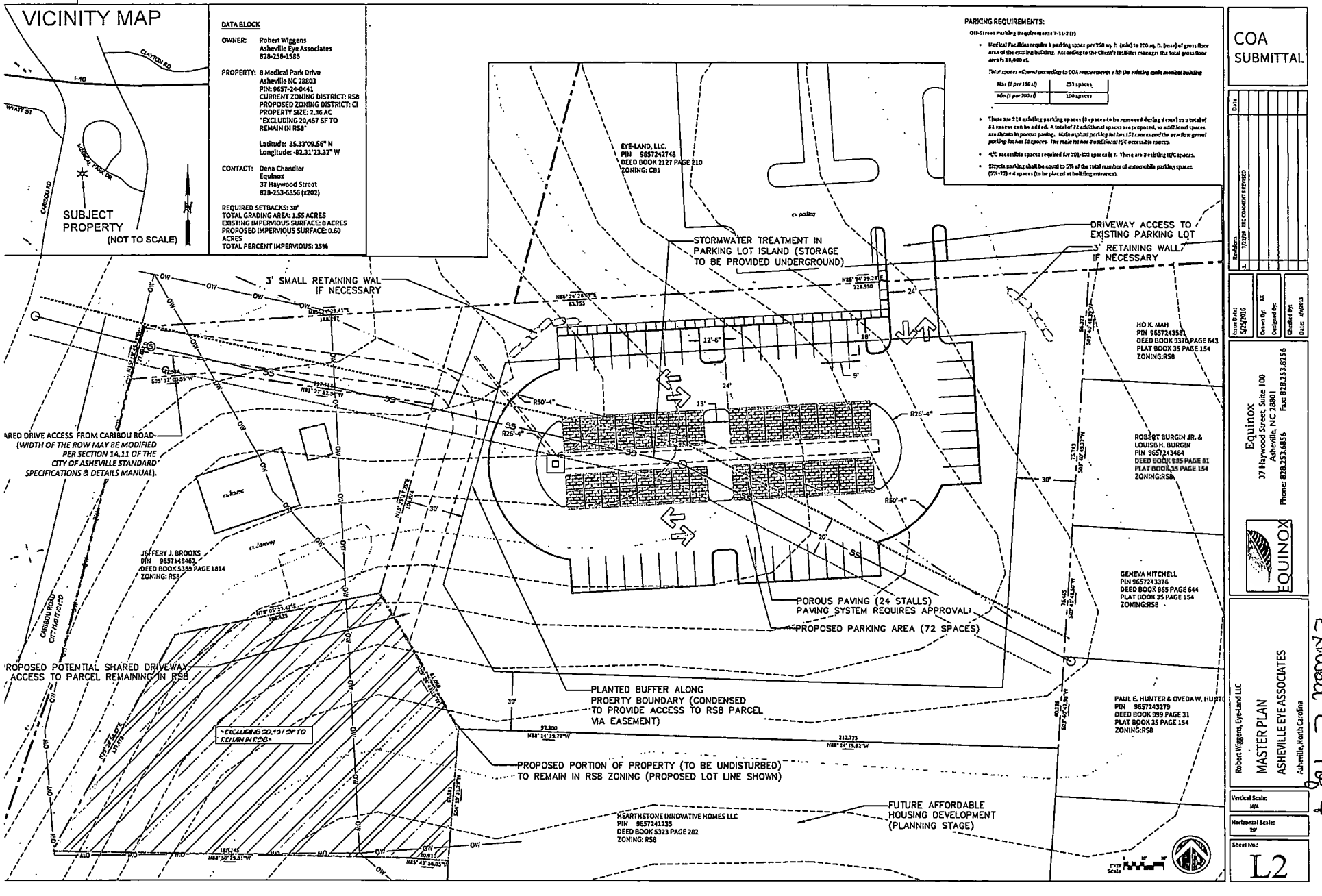
City of Asheville Department of Planning and Urban Design - July 18, 2016

B.1 Conditions
Asheville Eye Associates - Conditional Zoning

1. The larger portion (72,095 sf) of the site will be rezoned to CI CZ for the construction and use of a parking lot to serve Asheville Eye Associates, 8 Medical Park Drive.
2. A portion of the property in the Southeast corner, 30,707 sf, will be subdivided in accordance with the UDO and will remain zoned RS-8. The subdivision must meet all UDO requirements, including that it must result in a conforming lot with, adequate and lawful access.
3. The subdivision will occur prior to issuance of the Certificate of Occupancy for the parking lot use (see 1. above).
4. The RS-8 portion of the property will be donated to the Shiloh Community Association. Donation shall be final prior to issuance of the Certificate of Occupancy for the parking lot use (see 1. above).
5. A five foot sidewalk and 5 foot utility strip sidewalk along the Medical Park Drive shall be constructed to City of Asheville standards, including to the UDO and Standards and Specs Manual, as shown on the Site Plan and a ten foot easement centered on the sidewalk shall be granted to the City for public use prior to Certificate of Occupancy.
6. Landscaping required for this project includes property line buffers, vehicle usage landscaping and additional landscaping due to exceeding the maximum parking spaces as indicated on the Site plan attached hereto and incorporated herein by reference.
7. The site design, construction materials, orientation and layout must substantially comply with the Site Plan (attached hereto) and incorporated by reference. Any major deviations from the Site Plan will result in reconsideration of the project by the reviewing boards.

Exhibit C

Exhibit C



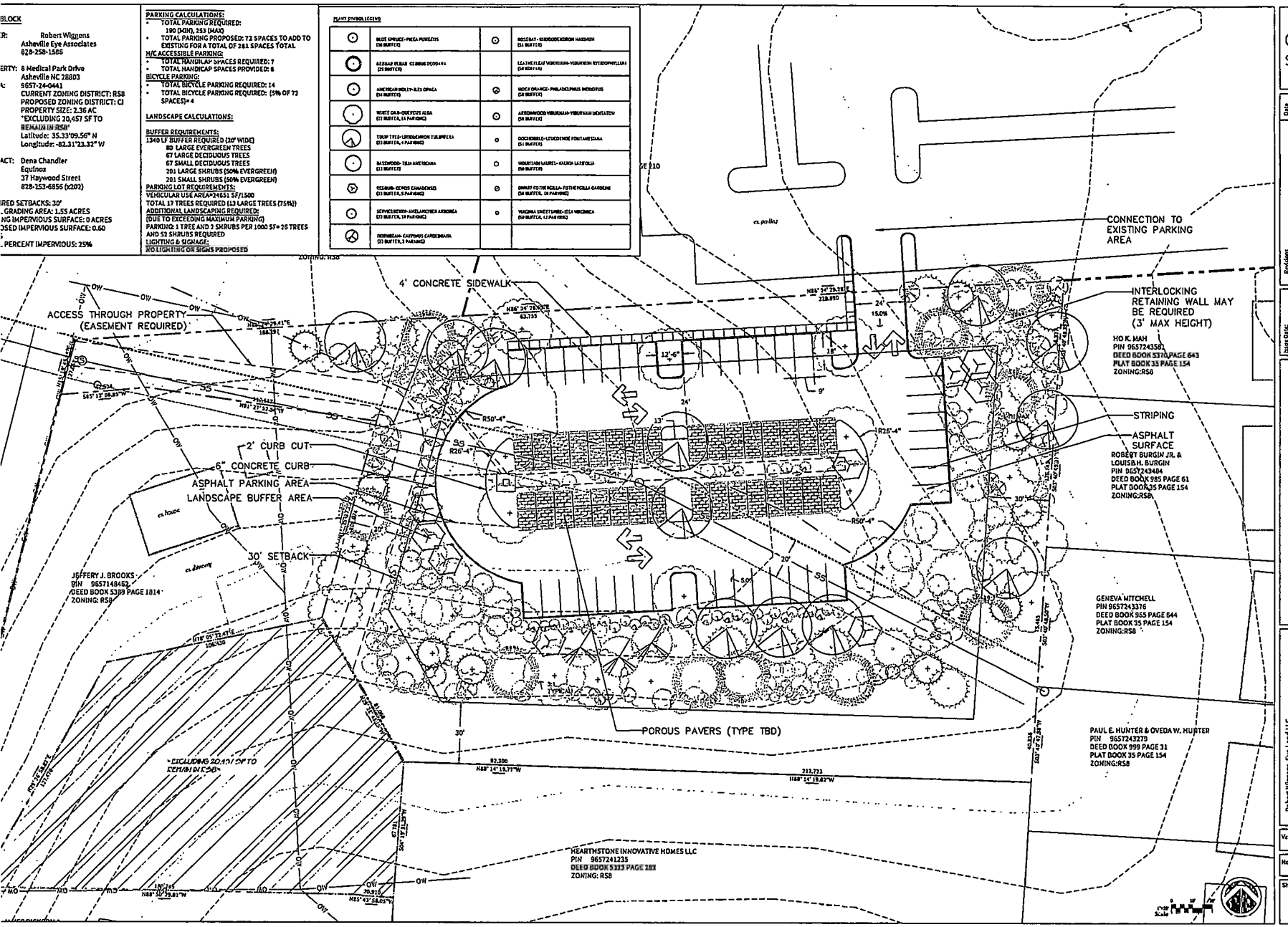

BLOCK
R: Robert Wiggens
Asheville Eye Associates
828-258-1586
ERTY: 8 Medical Park Drive
Asheville NC 28803
9657-24-0441
CURRENT ZONING DISTRICT: RS8
PROPOSED ZONING DISTRICT: CI
PROPERTY SIZE: 2.36 AC
EXCLUDING 20,457 SF TO REMAIN IN RS8
Latitude: 35.33'09.56" N
Longitude: -82.31'23.32" W
ACT: Dena Chandler
Equinox
37 Haywood Street
828-253-6856 (x202)
IRED SETBACKS: 30'
. GRADING AREA: 1.55 ACRES
NG IMPERVIOUS SURFACE: 0 ACRES
OSED IMPERVIOUS SURFACE: 0.60
PERCENT IMPERVIOUS: 25%
PARKING CALCULATIONS:
TOTAL PARKING REQUIRED: 190 (MIN), 253 (MAX)
TOTAL PARKING PROPOSED: 72 SPACES TO ADD TO EXISTING FOR A TOTAL OF 281 SPACES TOTAL
H/C ACCESSIBLE PARKING:
TOTAL HANDICAP SPACES REQUIRED: 7
TOTAL HANDICAP SPACES PROVIDED: 8
BICYCLE PARKING:
TOTAL BICYCLE PARKING REQUIRED: 14
TOTAL BICYCLE PARKING REQUIRED: (5% OF 72 SPACES)= 4
LANDSCAPE CALCULATIONS:
BUFFER REQUIREMENTS:
1340 LF BUFFER REQUIRED (30' WIDE)
80 LARGE EVERGREEN TREES
67 LARGE DECIDUOUS TREES
67 SMALL DECIDUOUS TREES
201 LARGE SHRUBS (50% EVERGREEN)
201 SMALL SHRUBS (50% EVERGREEN)
PARKING LOT REQUIREMENTS:
VEHICULAR USE AREA=24651 SF/1500
TOTAL 17 TREES REQUIRED (13 LARGE TREES (75%))
ADDITIONAL LANDSCAPING REQUIRED:
(DUE TO EXCEEDING MAXIMUM PARKING)
PARKING: 1 TREE AND 3 SHRUBS PER 1000 SF= 26 TREES AND 52 SHRUBS REQUIRED
LIGHTING & SIGNAGE:
NO LIGHTING OR SIGNS PROPOSED
PLANT SYMBOL LEGEND
BLUE SPRUCE - PICEA PUNGENS (56 BUFFER)
ROSEBAY - RHODODENDRON MAXIMUM (54 BUFFER)
REDBAY FLEAB - CERCIS CANADENSIS (27 BUFFER)
LEATHERLEAF VIBURNUM - VIBURNUM RHYTIDOPHYLLUM (58 BUFFER)
AMERICAN HOLLY - ILEX OPACA (54 BUFFER)
MOCK ORANGE - PHILADELPHUS INODORUS (58 BUFFER)
WHITE OAK - QUERCUS ALBA (33 BUFFER, 16 PARKING)
ARROWWOOD VIBURNUM - VIBURNUM DENTATUM (58 BUFFER)
TULIP TREE - LIRIODENDRON TULIPIFERA (23 BUFFER, 4 PARKING)
DOGWOOD - CORNUS KOUSA CHINENSIS (54 BUFFER)
BALDCYPRESS - TAXODIUM DISTICHUM (33 BUFFER)
MOUNTAIN LAUREL - KALMIA LATIFOLIA (58 BUFFER)
REDBUD - CERCIS CANADENSIS (33 BUFFER, 8 PARKING)
DWARF FOTHERGILLA - FOTHERGILLA GARDENII (58 BUFFER, 58 PARKING)
SERVICEBERRY - AMELANCHIER ARBOREA (23 BUFFER, 19 PARKING)
VIRGINIA SWEETSPIRE - ITEA VIRGINICA (58 BUFFER, 42 PARKING)
FRINGETREE - CHIONANTHUS VIRGINICUS (33 BUFFER, 3 PARKING)
4' CONCRETE SIDEWALK
ACCESS THROUGH PROPERTY (EASEMENT REQUIRED)
2' CURB CUT
6" CONCRETE CURB
ASPHALT PARKING AREA
LANDSCAPE BUFFER AREA
30' SETBACK
POROUS PAVERS (TYPE TBD)
CONNECTION TO EXISTING PARKING AREA
INTERLOCKING RETAINING WALL MAY BE REQUIRED (3' MAX HEIGHT)
STRIPING
ASPHALT SURFACE
HO K. MAH
PIN 9657243581
DEED BOOK 5370 PAGE 643
PLAT BOOK 35 PAGE 154
ZONING:RS8
ROBERT BURGIN JR. & LOUIS H. BURGIN
PIN 9657243484
DEED BOOK 985 PAGE 61
PLAT BOOK 35 PAGE 154
ZONING:RS8
GENEVA MITCHELL
PIN 9657243376
DEED BOOK 965 PAGE 644
PLAT BOOK 35 PAGE 154
ZONING:RS8
PAUL E. HUNTER & OVEDA W. HUNTER
PIN 9657243279
DEED BOOK 999 PAGE 31
PLAT BOOK 35 PAGE 154
ZONING:RS8
JEFFERY J. BROOKS
PIN 9657148462
DEED BOOK 5389 PAGE 1814
ZONING: RS8
HEARTHSTONE INNOVATIVE HOMES LLC
PIN 9657241235
DEED BOOK 5313 PAGE 281
ZONING: RS8
EXCLUDING 20,457 SF TO REMAIN IN RS8
COA SUBMITTAL
Revisions
1. 7/7/2015 TRC COMMENTS REVISED
Issue Date: 5/26/2015
Drawn By: JB
Designed By:
Checked By:
Date: 4/7/2015
Equinox
37 Haywood Street, Suite 100
Asheville, NC 28801
Phone: 828.253.6856 Fax: 828.253.6856
EQUINOX
Robert Wiggens, Eye-Land LLC
LAYOUT & MATERIALS
ASHEVILLE EYE ASSOCIATES
Asheville, North Carolina
Vertical Scale: N/A
Horizontal Scale: 20'
Sheet No.: L3

Exhibit C 2 of 4

411

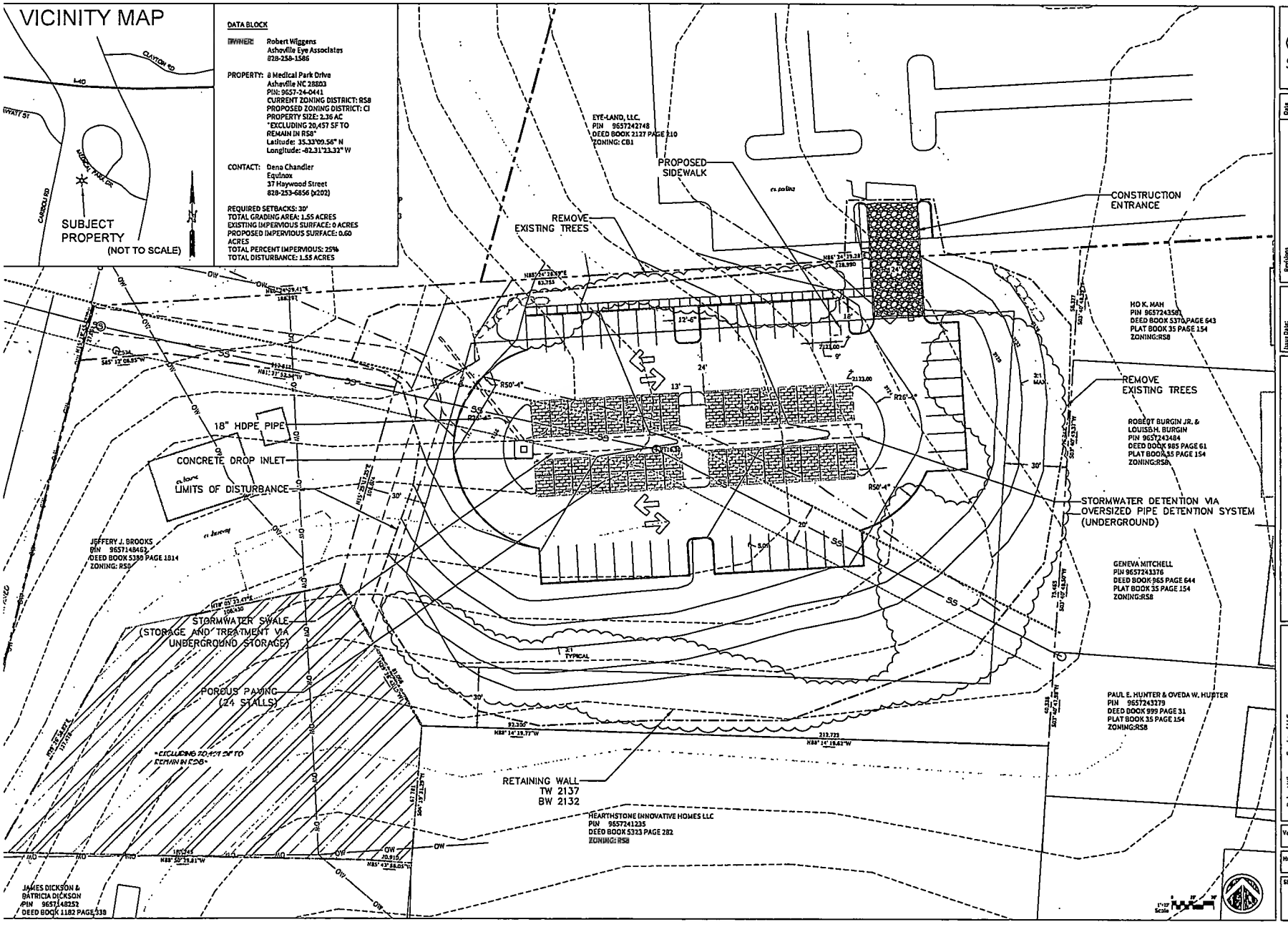


Exhibit C

3 of 4

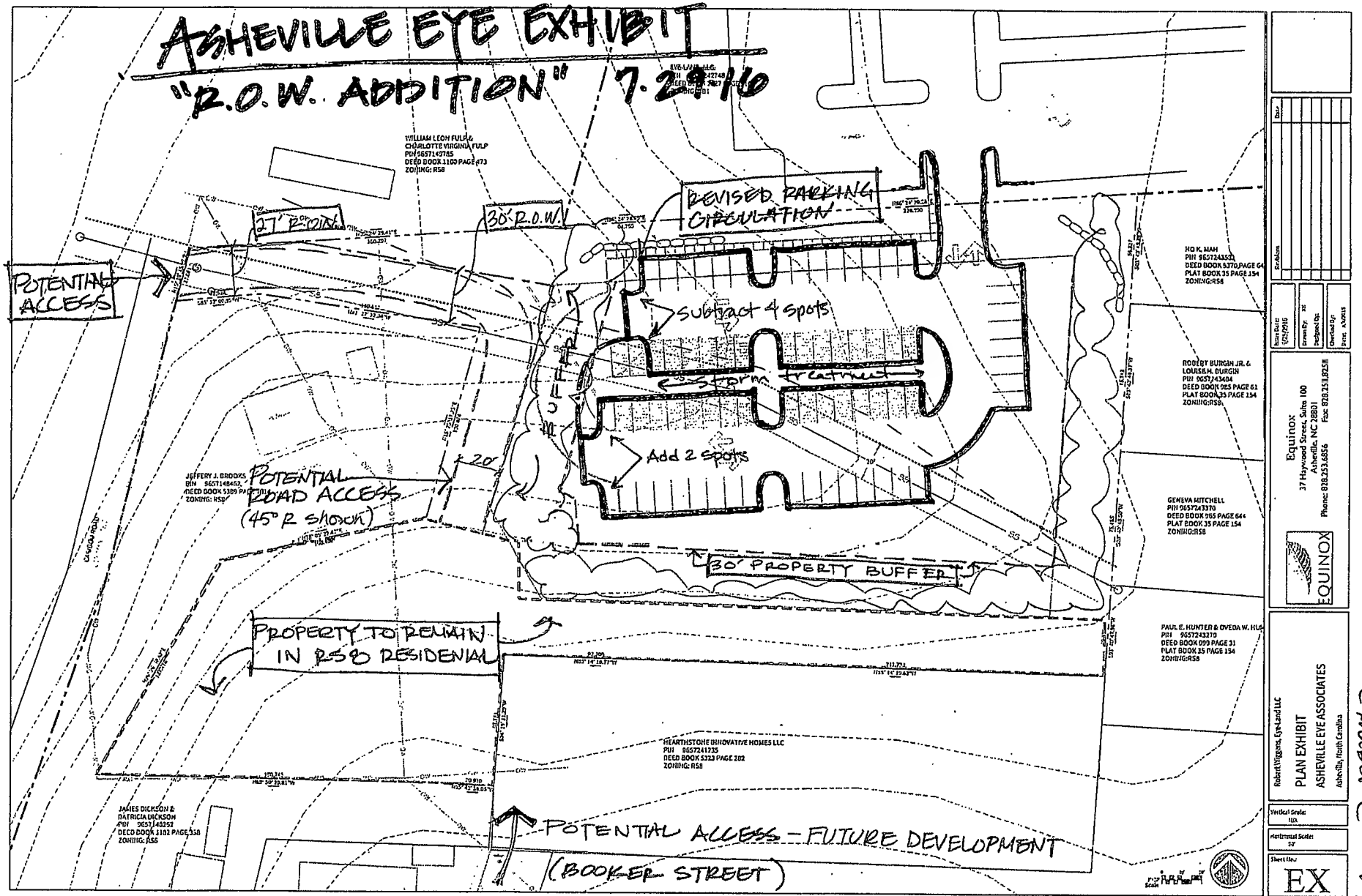


Exhibit C 4 of 4

414

ORDINANCE NO. 4523

ORDINANCE ESTABLISHING CONDITIONAL ZONING FOR PROPERTY LOCATED AT 25 FORSYTHE STREET

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statues, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, a comprehensive amendment to the City's zoning regulations was adopted on May 27, 1997, (Ordinance No. 2369) and is codified in Chapter 7 of the Asheville City Code (herein "Zoning Ordinance"), and maps dividing and classifying the property within the City's zoning jurisdiction were adopted on May 27, 1997 (Ordinance No. 2370) and are on file and maintained in the Offices of the Asheville City Planning and Development Department (herein "Official Zoning Map"); and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City for the reasons set out in the Staff Report, which is hereby adopted and incorporated by reference; and

WHEREAS, this proposed ordinance is determined to be reasonable and in the public interest as follows:

a. The site has historically been a non-residential use in the current configuration; and
b. Additional landscaping has been provided on the site through an alternative compliance process.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of that certain real property described in Exhibit A and identified on Buncombe County tax maps as PIN 9649.24-3580 and recorded in Deed Book 5133, Page 1126 and currently owned by Greater Works Church of God from Residential Single Family High Density District to Residential Single-Family High Density Conditional Zone. Said rezoning is subject to the conditions set out in Exhibit "B-1" and substantially complies with the site plans shown in Exhibit "C", both attached hereto and made a part hereof.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. The ordinances shall be enforced as provided in Article XVIII of Chapter 7, Section 1-5 of the Asheville City Code.

Section 5. That this ordinance shall be in full force and effect on the date of adoption.

Read, approved and adopted the 27th day of September, 2016.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

Exhibit B.1 Conditions | 25 Forsythe Street – Greater Works Church CZ

1. The zoning for the site is Residential Single-Family High Density Conditional Zone (RS-8 CZ).

2. The existing structure will be used for a place of worship and no changes are proposed to the site.

3. Landscaping will correspond with the existing material currently onsite and shown on the site plan and includes a reduced property line buffer of 15 feet wide along the sides and the northeast corner of the property. The rear property line buffer varies in width from 15 to 25 feet.

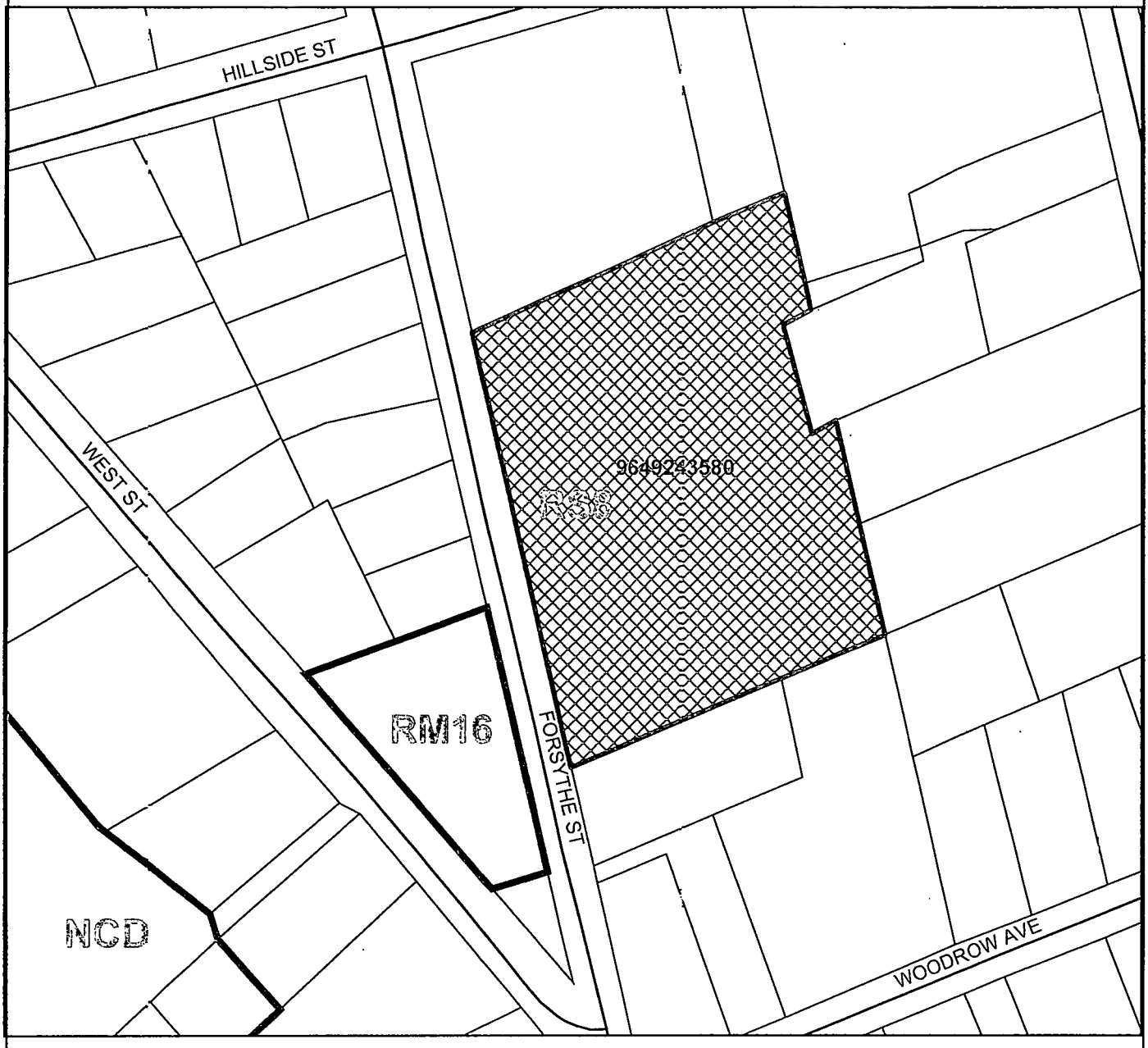
4. A maximum of 78 parking spaces are allowed on site with six handicapped accessible spaces.

5. Side setbacks are reduced to fifteen feet, as shown on the site plan.

6. At the northernmost corner of the parking lot, there is an existing garage carport for an adjacent residential property that fronts into and is accessed through the parking lot. This will remain as an existing encroachment and a break in the landscaped property line buffer as indicated on the site plan.

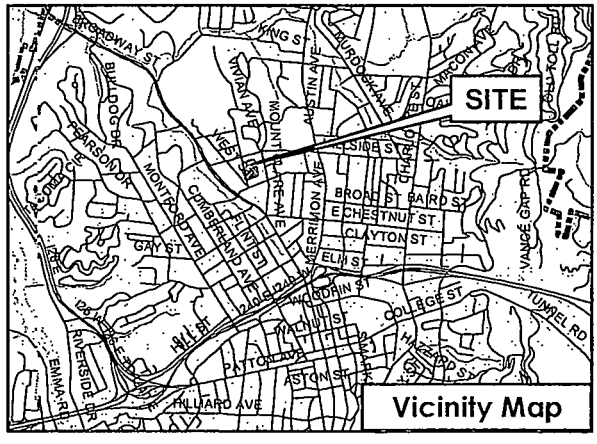
7. The site design, building and layout must substantially comply with the site plan (attached hereto) and incorporated by reference. Any major deviations from these plans will result in reconsideration of the project by the reviewing boards.

City of Asheville - Exhibit A Map
Level II Review - Greater Works Church



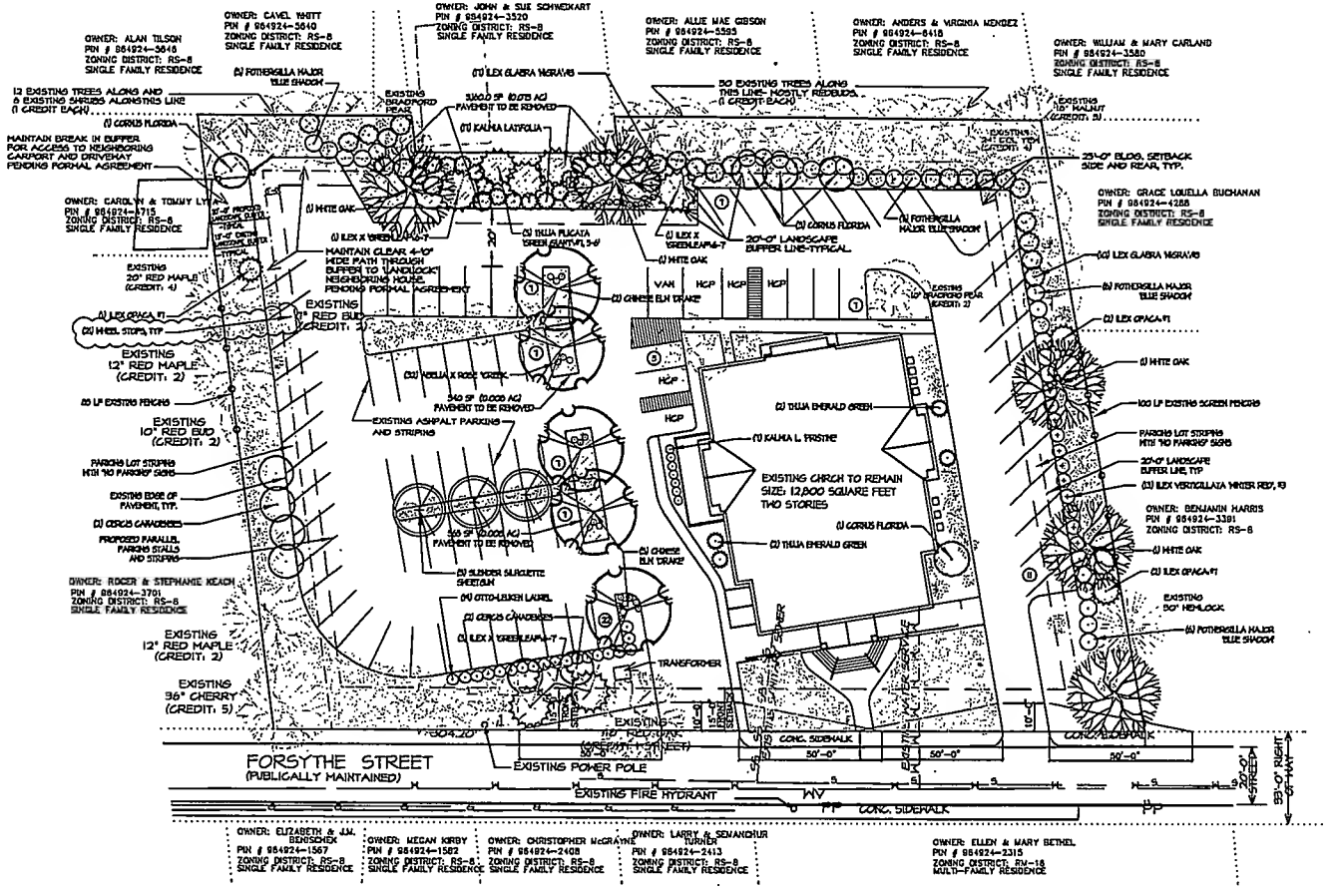
Project Name:	Greater Works Church
Project Number:	16 - 08182 PZ
Project Description:	CZ for church use with conditions
Petitioner(s):	Ron Gates
Parcel ID Number(s):	9649-24-3580
Location/Address:	25 Forsythe Street

Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams



City of Asheville Planning and Urban Design Department - July 2016

Exhibit C


OWNER: ALAN TILSON
PIN # 964924-3648
ZONING DISTRICT: RS-8
SINGLE FAMILY RESIDENCE
OWNER: CAVEL WYATT
PIN # 964924-3640
ZONING DISTRICT: RS-8
SINGLE FAMILY RESIDENCE
OWNER: JOHN & SUE SCHWEIKART
PIN # 964924-3520
ZONING DISTRICT: RS-8
SINGLE FAMILY RESIDENCE
OWNER: ALLIE MAE GIBSON
PIN # 964924-3595
ZONING DISTRICT: RS-8
SINGLE FAMILY RESIDENCE
OWNER: ANDERS & VIRGINIA MENDEZ
PIN # 964924-3418
ZONING DISTRICT: RS-8
SINGLE FAMILY RESIDENCE
OWNER: WILLIAM & MARY CARLAND
PIN # 964924-3580
ZONING DISTRICT: RS-8
SINGLE FAMILY RESIDENCE
OWNER: GRACE LOUELLA BUCHANAN
PIN # 964924-4288
ZONING DISTRICT: RS-8
SINGLE FAMILY RESIDENCE
OWNER: CAROLYN & TOMMY LYE
PIN # 964924-3715
ZONING DISTRICT: RS-8
SINGLE FAMILY RESIDENCE
OWNER: ROGER & STEPHANIE KEACH
PIN # 964924-3701
ZONING DISTRICT: RS-8
SINGLE FAMILY RESIDENCE
OWNER: BENJAMIN HARRIS
PIN # 964924-3391
ZONING DISTRICT: RS-8
OWNER: ELIZABETH & J.M. BENSCHEK
PIN # 964924-1567
ZONING DISTRICT: RS-8
SINGLE FAMILY RESIDENCE
OWNER: MEGAN KIRBY
PIN # 964924-1582
ZONING DISTRICT: RS-8
SINGLE FAMILY RESIDENCE
OWNER: CHRISTOPHER McGRAYNE
PIN # 964924-2408
ZONING DISTRICT: RS-8
SINGLE FAMILY RESIDENCE
OWNER: LARRY & SEMANCHUR TURNER
PIN # 964924-2413
ZONING DISTRICT: RS-8
SINGLE FAMILY RESIDENCE
OWNER: ELLEN & MARY BETKEL
PIN # 964924-2315
ZONING DISTRICT: RM-16
MULTI-FAMILY RESIDENCE
12 EXISTING TREES ALONG AND 6 EXISTING SHRUBS ALONGTHIS LINE (1 CREDIT EACH)
50 EXISTING TREES ALONG THIS LINE- MOSTLY REDBUDS (1 CREDIT EACH)
MAINTAIN BREAK IN BUFFER FOR ACCESS TO NEIGHBORING CARPORT AND DRIVEWAY PENDING FORMAL AGREEMENT
MAINTAIN CLEAR 4-10' WIDE PATH THROUGH BUFFER TO LANDLOCK NEIGHBORING HOUSE PENDING FORMAL AGREEMENT
EXISTING 20' RED MAPLE (CREDIT: 4)
EXISTING 12' RED MAPLE (CREDIT: 2)
EXISTING 10' RED BUD (CREDIT: 2)
EXISTING 36" CHERRY (CREDIT: 5)
EXISTING 50" HEMLOCK
EXISTING 15" WALNUT (CREDIT: 2)
EXISTING WEEPING PEAR (CREDIT: 2)
25'-0" BLDG. SETBACK SIDE AND REAR, TYP.
20'-0" LANDSCAPE BUFFER LINE-TYPICAL
100 LF EXISTING SCREEN FENCING
PARKING LOT STRIPING WITH "NO PARKING" SIGNS
EXISTING EDGE OF PAVEMENT, TYP.
PROPOSED PARALLEL PARKING STALLS AND STRIPING
EXISTING ASHPALT PARKING AND STRIPING
EXISTING CHRCH TO REMAIN SIZE: 12,800 SQUARE FEET TWO STORIES
540 SF (0.005 AC) PAVEMENT TO BE REMOVED
3,400 SF (0.078 AC) PAVEMENT TO BE REMOVED
556 SF (0.005 AC) PAVEMENT TO BE REMOVED
VAN
HCP
TRANSFORMER
EXISTING 10" RED BUD (CREDIT: 2)
FORSYTHE STREET
(PUBLICALLY MAINTAINED)
EXISTING POWER POLE
EXISTING FIRE HYDRANT
CONC. SIDEWALK
304.20'
50'-0"
WV
PP
SS
SD

DEVELOPMENT DATA

PROJECT OWNER:
RSC BANK
P.O. BOX 1220
ROCKY MOUNT, NC 27802
PHONE: (877) 722-2265

PROJECT CONTACT:
PASTOR RON GATES
GREATER WORKS CHURCH
25 FORSYTHE STREET
ASHEVILLE NC 28803

PROJECT ADDRESS:
25 FORSYTHE STREET
ASHEVILLE, NC 28801

PROJECT DESIGN PROFESSIONAL:
BRIAN H MORRIS
LAND PLANNING STUDIOS
10 SPRINGSIDE PARK
ASHEVILLE, NC 28803
PHONE: (828) 712.9429

PIN # 964924-3580

PROPERTY SIZE: 1.44 ACRES

ZONING DISTRICT: RS-8

REQUIRED BUILDING SETBACKS:
FRONT: 15 FEET
SIDE: 25 FEET
REAR: 25 FEET

PARKING:
STANDARD: 12 SPACES
DISABLED: 2 PLUS 1 VAN= 6
TOTAL: 18 SPACES PROVIDED

DISTURBED AREA: 0.023 ACRES

SITE DATA:
TOTAL SITE AREA: 62,664 S.F.
IMPERVIOUS SURFACE AREA: 37,305 S.F.
PERCENT OF SITE IMPERVIOUS: 60.03

PERVIOUS / IMPERVIOUS AREAS

PRE-DEVELOPMENT			POST-DEVELOPMENT		
PERVIOUS AREAS IN ACRES	IMPERVIOUS AREAS IN ACRES	% OF PARCEL IMPERVIOUS AREAS	PERVIOUS AREAS IN ACRES	IMPERVIOUS AREAS IN ACRES	% OF PARCEL IMPERVIOUS AREAS
0.49	0.95	65.98	0.58	0.86	6.03

PLANT SCHEDULE

Qty	Botanical Name	Common Name	Height	Caliper	Root	Comment
52	ABELIA X 'ROSE CREEK'	ROSE CREEK ABELIA	5' min.		B&B / Cont.	Dense form, good color, well rooted
6	CERCIS CANADENSIS	EASTERN REDBUD	8'-10'	1" - 1.5"	B&B / Cont.	Straight trunk, dense, uniform branching, matched
5	CORNUS FLORIDA	FLOWERING DOGWOOD	8'-10'	1" - 1.5"	B&B / Cont.	Straight trunk, dense, uniform branching, matched
25	FOTHERGILLA MAJOR 'ELLE SHADOW'	ELLE SHADOW FATHERGILLA	15" min.		B&B / Cont.	Dense form, good color, well rooted
3	GLEDITSIA TRIACANTHOS	SLENDER SILHUETTE SWEETGUM	12'-14'	2" min	B&B / Cont.	Straight trunk, dense, uniform branching, matched
21	ILEX GLABRA 'NIGRA'	NIGRA INKBERRY HOLLY	30" min.		B&B / Cont.	Dense form, good color, well rooted
5	ILEX OPACA	AMERICAN HOLLY	5'-6'		B&B / Cont.	Straight trunk, dense, uniform branching, matched
15	ILEX VERTICILLATA 'WINTER RED'	WINTER RED DECIDUOUS HOLLY	30" min.*		B&B / Cont.	Dense form, good color, well rooted
3	ILEX X 'GREENLEAF'	GREENLEAF HOLLY	5'-6'		B&B / Cont.	Straight trunk, dense, uniform branching, matched
17	KALMIA LATIFOLIA	MOUNTAIN LAUREL	30" min.		B&B / Cont.	Dense form, good color, well rooted
7	KALMIA LATIFOLIA 'PRISTINE'	DWARF MT. LAUREL 'PRISTINE'	30" min.		B&B / Cont.	Dense form, good color, well rooted
14	PRUNUS LAUROCERASUS 'OTTO LUYKEN'	OTTO LUYKEN LAUREL	30" min.		B&B / Cont.	Dense form, good color, well rooted
3	QUERCUS ALBA	WHITE OAK	12'-14'	2" min	B&B / Cont.	Straight trunk, dense, uniform branching, matched
4	THUJA OCCIDENTALIS 'EMERALD'	EMERALD GREEN ARBORVITAE	6' MIN.		B&B / Cont.	Dense form, good color, well rooted
5	THUJA PLICATA 'GREEN GIANT'	GREEN GIANT ARBORVITAE	6' MIN		B&B / Cont.	Dense form, good color, well rooted
3	ULMUS PARVIFLORA 'DRAKE'	CHINESE ELM 'DRAKE'	12'-14'	2" min	B&B / Cont.	Straight trunk, dense, uniform branching, matched

DENOTES MODIFICATIONS ON 8/6/2014 PER TREE COMMISSION COMMENTS

PLANTING SUMMARY:

EVERGREEN TREES: (13 TOTAL): AMERICAN HOLLIES, GREEN GIANT ARBORVITAE, GREENLEAF HOLLY
LARGE DECIDUOUS TREES: (13 TOTAL): WHITE OAK, SLENDER SILHUETTE SWEETGUM, DRAKE CHINESE ELM
SMALL DECIDUOUS TREES: (1 TOTAL): EASTERN REDBUD, DOGWOOD,
LARGE EVERGREEN SHRUBS: (46 TOTAL): EMERALD GREEN ARBV., INKBERRY HOLLY, MOUNTAIN LAUREL
LARGE DECIDUOUS SHRUBS: (41 TOTAL): FATHERGILLA MAJOR, WINTER RED HOLLY
SM TO MED SHRUBS: (56 TOTAL): OTTO-LEUKEN LAUREL, ABELIA, DWARF MOUNTAIN LAUREL

* (184 TOTAL PLANTS: 87 TREES AND 147 SHRUBS WITH 50% MIN EVG. AND AT LEAST 50% ARE LARGE)

NORTH

0 20 40 60
SCALE: 1" = 20'

GREATER WORKS CHURCH
ALTERNATIVE COMPLIANCE PLAN
25 Forsythe St, Asheville, NC

Land Planning Studios
Landscape Architects and Land Planners
1854A Hendersonville Road, P.M.B. 164
Asheville, North Carolina 28803
828-712-9429
FAX 828-684-3888

NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT #1168 BRIAN H. MORRIS

Sheet Title: ALTERNATIVE COMPL. LANDSCAPE PLAN

Job Number:

Date: 06/20/2014

Drawn: BHM

Approved:

Revisions:
04/24/14 - Alternative Compliance
8/6/14 - Alternative Compliance
07/25/15 - Parking modification
08/11/15 - Parking modification

Sheet 3 of 3

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ORDINANCE NO. 4524

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO ADD STANDARDS LIMITING STRUCTURE HEIGHT IN THE NAVIGABLE AIRSPACE FOR THE ASHEVILLE REGIONAL AIRPORT

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, the City of Asheville Unified Development Ordinance (Chapter 7 of the City Code of Ordinances) fails to include standards limiting height of structures in or around the airport, and

WHEREAS, height limits are necessary to ensure public health, safety and welfare and support airport operations; and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City, and is determined to be reasonable and in the public interest for the following reasons:

a) The amendment will guide growth necessary to accommodate air transportation; and
b) The amendment will support the airport and its operations as a regional asset that benefits businesses and travelers alike; and
c) The amendment will help protect public safety by limiting the potential for unsafe obstructions into navigable airspace.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Article X of Chapter 7 of the Code of Ordinances of the City of Asheville is hereby amended as follows:

a. Add a new subsection "6" that reads:

Section 7-10-6. Navigable Airspace.

(a) *Affected Properties.* Any property located within or underneath the boundaries of the airspace of the Asheville Regional Airport, as defined by Federal Aviation Regulation Part 77, upon which it is determined that a proposed object or structure may impact navigable airspace.
(b) *Limitations.* The allowable height of an object or structure shall not be permitted to encroach into the airspace of the Asheville Regional Airport, unless it is determined that it is not a hazard to air navigation through an Aeronautical Study performed by the Federal Aviation Administration (FAA).
(c) *Procedure.*

(1) Prior to zoning approval, and/or issuance of a building permit, the landowner, developer, contractor, or other responsible party (collectively referred to as the Responsible Party), shall submit to the FAA a request for the conduct of an Aeronautical Study on the object or structure being proposed on the property, utilizing FAA Form 7460-1 "Notice of Proposed Construction or Alteration". In the event that multiple objects or structures are proposed for the same property, multiple submittals may be required. The Responsible Party shall include all information required on the appropriate forms in order for the study to be undertaken.

(2) Aeronautical Study requests to the FAA shall be submitted no less than 30 days in advance of the scheduled start of any construction on the property.

(3) Cranes and other temporary objects that may themselves encroach into navigable airspace shall require individual and separate Aeronautical Study submittals.

(4) The Responsible Party shall be required to follow any and all reporting instructions determined necessary by the FAA during construction of the structure or placement of the object if identified as a result of the Aeronautical Study.

(d) *Lighting and Marking.* All objects and structures that are determined through an Aeronautical Study by the FAA that lighting or marking is required or recommended, shall light and mark the object or structure in accordance with FAA Advisory Circular 70/7460-1K "Obstruction Marking or Lighting" (or its successor).

Section 2: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3: All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4: This ordinance will become effective upon adoption.

Read, approved, and adopted this the 27th day of September, 2016.

Magdalen Bowlson
City Clerk

Glenn A. Mayor
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

ORDINANCE NO. 4525

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 25th day of October, 2016

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: US Dept. of Justice 2016 Edward Byrne Justice Assistance Grant – Local Solicitation

Magdalen Bowlson
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

2016/17	10/25/2016
FISCAL YEAR	EFFECTIVE DATE

Amendment to	X Operating Capital or Grant (Special Revenue) Project
Purpose	**JAG 2016 Local Solicitation**

Requesting Department Police

				Beginning Budget	New Budget	Increase or Decrease By
Fund	Grant Fund					
Revenue	Restricted Intergov Federal Grants					
Acct #	22000122	435000	TBD	0.00	55,150.00	55,150.00
	Org	Obj	Project			
Fund	Grant Fund					
Expend.	Supplies - Safety Equipment					
Acct #	22000122	527101	TBD	0.00	43,902.00	43,902.00
	Org	Obj	Project			
Fund	Grant Fund					
Expend.	Awarded Grants					
Acct #	22000122	527101	TBD	0.00	11,248.00	11,248.00
	Org	Obj	Project			

BALANCE 0.00

ORDINANCE NO. 4526

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 25th day of October, 2016

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: NC Office of Justice Programs via the US Dept. of Justice:
Ballistic Vest Partnership (BVP) Grant 2016

Magdalen Burleson
City Clerk

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CITY OF ASHEVILLE

BUDGET AMENDMENT

2016/17 — FISCAL YEAR

10/25/2016 — EFFECTIVE DATE

Amendment to

	Operating
X	Capital or Grant (Special Revenue) Project

Purpose

Ballistic Vest Partnership (BVP) Grant 2016

Requesting Department Police

				Beginning Budget	New Budget	Increase or Decrease By
Fund	Grant Fund					
Revenue	Restricted Intergov Federal Grants					
Acct #	22000122	435000	TBD	0.00	21,022.00	21,022.00
	Org	Obj	Project			
Fund	Grant Fund					
Revenue	Oper Transfers from General Fund					
Acct #	22090122	498100	TBD	0.00	21,022.00	21,022.00
	Org	Obj	Project			
Fund	Grant Fund					
Expend.	Supplies - Safety Equipment					
Acct #	22000122	524003	TBD	0.00	42,044.00	42,044.00
	Org	Obj	Project			
					BALANCE	0.00
Fund	General Fund					
Expend.	Trf to Grant Fund					
Acct #	11090122	800220		333,225.00	333,225.00	0.00
	Org	Obj	Project			

ORDINANCE NO. 4527

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment forms attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 25th day of October 2016.

Magdalen Bullison
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: To set up the project budget for the Transportation for Elder Club, Jewish Family Service program; Volunteer Driving and Travel Training for Older Adults, Council on Aging program; Medical and General purpose trips for Seniors and Adults, Buncombe County program; Paratransit services beyond required service area and ADA improvements to the transit station, City of Asheville programs; and the City of Asheville's administrative costs.

Magdalen Bullison
City Clerk

CITY OF ASHEVILLE

BUDGET AMENDMENT

2016/17 — FISCAL YEAR

10/25/2016 — EFFECTIVE DATE

Amendment to: ___X___ Operating / Capital or Grant (Special Revenue) Project

Purpose: Budget amendment to set up the project budgets for the Enhanced Mobility of Seniors and Individuals with Disabilities Federal grant, section 5310

Requesting Department: Transportation

				Beginning Budget	New Budget	Increase or Decrease By
Fund	Transit Capital Project Fund					
Revenue	Restricted Intergovernmental Grants					
Acct #	6510xxxx (Org)	xxxxxx (Obj)	Txxxx (Project)	0.00	257,883.00	257,883.00
Fund	Transit Capital Project Fund					
Revenue	In-Kind Ext. Part					
Acct #	6510xxxx (Org)	xxxxxx (Obj)	Txxxx (Project)	0.00	115,584.00	115,584.00
Fund	Transit Capital Project Fund					
Revenue	Transfer from Transit Operating Fund					
Acct #	6510xxxx (Org)	xxxxxx (Obj)	Txxxx (Project)	0.00	22,500.00	22,500.00
Fund	Transit Capital Project Fund					
Revenue	Transfer from Transit Operating Fund					
Acct #	6510xxxx (Org)	xxxxxx (Obj)	T1301 (Project)	0.00	16,750.00	16,750.00
Fund	Transit Capital Project Fund					
Revenue	Restricted Intergovernmental Grants					
Acct #	6510xxxx (Org)	xxxxxx (Obj)	T1301 (Project)	0.00	67,000.00	67,000.00
Fund	Transit Capital Project Fund					
Expend.	Awarded Grants					
Acct #	6510xxxx (Org)	xxxxxx (Obj)	Txxxx (Project)	0.00	135,395.00	135,395.00
Fund	Transit Capital Project Fund					
Expend.	In-Kind Ext. Part					
Acct #	6510xxxx (Org)	xxxxxx (Obj)	Txxxx (Project)	0.00	115,584.00	115,584.00
Fund	Transit Capital Project Fund					
Expend.	Contracted Services					
Acct #	6510xxxx (Org)	xxxxxx (Obj)	Txxxx (Project)	0.00	112,500.00	112,500.00
Fund	Transit Capital Project Fund					
Expend.	Contracted Services					
Acct #	6510xxxx (Org)	xxxxxx (Obj)	T1301 (Project)	0.00	83,750.00	83,750.00
Fund	Transit Capital Project Fund					
Expend.	Temp-Seasonal					
Acct #	6510xxxx (Org)	xxxxxx (Obj)	Txxxx (Project)	0.00	32,488.00	32,488.00

BALANCE 0.00

ORDINANCE NO. 4528

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That the City of Asheville Annual Operating or Capital Projects Budget Ordinance be amended according to the budget amendment form attached to and made part of this ordinance.

That this ordinance shall be in full force and effect upon the date of final passage.

Read, approved and adopted this 25th day of October, 2016

Magdalen Bullison
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

PURPOSE: Budget amendment to establish a budget with funds received from the Asheville Downtown Association Foundation for the Lexington Avenue Public Art Project.

Magdalen Bullison
City Clerk

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CITY OF ASHEVILLE

BUDGET AMENDMENT

2016/17 — FISCAL YEAR

10/25/2016 — EFFECTIVE DATE

Amendment to	X Operating Capital or Grant (Special Revenue) Project
Purpose	**Establish budget for Lexington Ave Public Art Project**

Requesting Department Commmunity & Economic Development

				Beginning Budget	New Budget	Increase or Decrease By
Fund	Grant Fund					
Revenue	Private Donation					
Acct #	2200070	483300	G17XX	0.00	40,000.00	40,000.00
	Org	Obj	Project			
Fund	Grant Fund					
Expend.	Contracted Services					
Acct #	2200070	521001	G17XX	0.00	40,000.00	40,000.00
	Org	Obj	Project			

BALANCE 0.00

ORDINANCE NO. 4529

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO REMOVE SIGNAGE PLAN APPLICATION PROCESS

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, the City of Asheville Unified Development Ordinance (Chapter 7 of the City Code of Ordinances) includes an application process for signage plans, and

WHEREAS, the state and federal courts have recently rendered decisions, which have caused the City to evaluate its ordinances related to both signage and the City's decision-making process for land use applications, and

WHEREAS, as part of that evaluation, it has been determined that the current process for signage plans should be removed from the UDO, and that all sign variances should be determined by the Board of Adjustment using quasi-judicial procedures, and

WHEREAS, this proposed amendment is consistent with the City's 2025 Comprehensive Plan, Smart Growth policies, and other official plans of the City, and is determined to be reasonable and in the public interest for the following reason:

a) The amendment will result in sign variance applications being directed to the Asheville Board of Adjustment where such reviews are standard and will be determined pursuant to a quasi-judicial process.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1: Article XIII of Chapter 7 of the Code of Ordinances of the City of Asheville is hereby amended as follows:

7-13-10 mb

a. Remove subsection ~~7-11-10~~ in its entirety.

Section 2: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3: All ordinances or parts of ordinances in conflict are hereby repealed to the extent of such conflict.

Section 4: This ordinance will become effective upon adoption.

Read, approved, and adopted this the 25th day of October, 2016.

Magdalen Bouleson
City Clerk

Ethan E. Mark
Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

ORDINANCE NO. 4530

ORDINANCE AMENDING THE SELLING, ENTERTAINING AND DINING ORDINANCE

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. **Sec. 16-141. – Definitions.**

A. Addition of the following definitions:

Audible Performance means any performance, including but not limited to, music, dance, mimes, magicians, clowns, jugglers and/or theatrical presentations which involve or require the production of sound as an essential element of the performance.

High Impact Area means an area identified in Appendix H of the City Code within which only one audible performance may take place within 120 feet of a location marked on the sidewalk at any single time.

B. Deletion of existing definition of sidewalk entertainment and replaced with the following:

Performance means, but is not limited to, engaging in acting, acrobatics, dancing, juggling, magic, pantomime, playing musical instruments, puppetry, and/or recitation on any city sidewalk.

2. **Sec. 16-145. - Performers of sidewalk entertainment.**

Performances of sidewalk entertainment be and the same is hereby deleted and replaced with the following:

(1) Artistic performances on city sidewalks are a vital and welcome part of Asheville's unique character and culture.

(2) Street performances are distinguished from panhandling activities by the commercial nature of the performer's actions which provide the benefit of a live performance of artistic value in exchange for gratuities given in appreciation of the performance.

(3) Persons have a right to perform on city sidewalks, but those performances can cause adverse impacts to the community in the form of gathering crowds attracted to the entertainment offered in locations where there is insufficient room for crowds; blocked sidewalks; blocked ingress and egress of buildings; the risk of disrupting nearby motor vehicle traffic; and/or disturbance of the quiet enjoyment of residents and businesses.

(4) Such adverse impacts can be mitigated or alleviated through minimally intrusive regulation of the time, place, and/or manner in which such performances may occur.

Such regulation ensures the ability of street performers to perform in public spaces and promotes harmony among street performers, local businesses, permitted event sponsors, and residents and visitors by balancing the interests of performing artists with the public's safety.

(A) General Requirements

Unless prohibited elsewhere in this code, performers of sidewalk entertainment may utilize sidewalks for performances subject to the following conditions:

1. Performances must not violate the prohibitions on disturbing, annoying and unnecessary noise as set forth in Article IV of Chapter 10 of the City Code.

2. Performances must not violate the prohibitions on solicitation as set forth in City Code sections 11-5 and 11-14.

3. Performances must not obstruct, or cause to be obstructed, pedestrian or vehicular traffic, including but not limited to, not obstructing or causing to be obstructed sidewalks, doorways or other access areas. Performances must provide a minimum of six (6) feet for pedestrian passageway. Performances must cease if persons are stopped and observing a performance from a street.

4. No performer may sell, display or exhibit any tangible good, on any sidewalk, in exchange for a fixed price or donation.

5. Performances must only take place between the hours of 10:00 a.m. and 10:00 p.m.

6. Performers of sidewalk entertainment must not consume, or be under the influence of, alcoholic beverages or other controlled substances.

7. The following limitations on sidewalk space used for performances must be observed at all times:

   a) *Generally*: Performances must not take place any closer than forty (40) feet from another performance.

   b) *Within High Impact Areas:* Only one (1) audible performance may take place on a sidewalk at any single time within 120 feet of a location marked on the sidewalk and identified in Appendix H of the City Code. Non-audible performances within such areas must not take place any closer than forty (40) feet from another performance.

8. Performances must not take place at locations designated for a community event or festival, unless permitted to play at the community event or festival by the event or festival coordinator, pursuant to section 16-97 of the City Code.

9. Performances must comply with all applicable federal, state and local laws.

10. Performances involving the use of knives, swords, torches, axes, saws (except non-powered saws used solely as musical instruments), fire or other potentially dangerous objects or that involve acrobatics, tumbling, or other inherently dangerous activities are prohibited.

3. Addition of a New Appendix H entitled "Designated Street Performance High Impact Areas" as follows:

"**WOOLWORTH WALK**" – One hundred and twenty (120) feet in all directions from the center of a mark on the sidewalk which adjoins the eastern side of Haywood Street near the intersection of Haywood Street and Battery Park Avenue.

"FLAT IRON" – One hundred and twenty (120) feet in all direction from the center of a mark on the sidewalk which adjoins the southern side of Battery Park Avenue near the intersection of Battery Park Avenue and Wall Street.

4. If any section, subsection, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

5. All ordinance or parts of ordinance in conflict herewith are hereby repealed to the extent of such conflict.

6. This ordinance shall become effective upon adoption.

Read, approved, and adopted this 25th day of October, 2016

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

Department of Natural and Cultural Resources
Division of Archives and Records
Collections Services Section

Certificate of Authenticity

This is to certify that the following images are true and accurate reproductions of records received by this agency for the purpose of scanning and creating microfilm from the scanned images. It is further certified that any micrographic format created through conversion or duplication of these images complies with the Uniform Photographic Copies of Business and Public Records as Evidence Act, as described in G.S. § 8-45.1, and forms a durable medium for reproducing the original record. It is also certified that processes exist to prevent the unauthorized creation, addition, alteration, deletion, or deterioration of these images, and that these images were scanned under the direction of the undersigned on the date(s) indicated below.

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CITY OF ASHEVILLE, CITY COUNCIL, ORDINANCES MINUTES

The records begin with:

VOLUME: 28 DATE: OCTOBER 23, 2012 PAGE: O-2012-4124

and end with:

VOLUME: 30 DATE: October 25, 2016 PAGE: O-2016-4630

Date scanning began: 2/23/22 Date scanning ended: 2/23/22

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